



Digitized by the Internet Archive
in 2011 with funding from
CARLI: Consortium of Academic and Research Libraries in Illinois

<http://www.archive.org/details/illinoisreg23521999illi>

348.02
LJA
23
52
2



ILLINOIS DOCUMENTS

DEC 23 1999

ILLINOIS STATE LIBRARY

1999 *Illinois Register*

Rules of Governmental Agencies

Volume 23, Issue 52 — December 27, 1999

Pages 14,653 – 14,785

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



Printed on recycled paper

published by
Jesse White
Secretary of State

TABLE OF CONTENTS
December 27, 1999 Volume 23, Issue 52

PROPOSED RULES

NATURAL RESOURCES, DEPARTMENT OF	
Commercial Fishing And Musseling In Certain Waters Of The State	
17 Ill. Adm. Code 830	14653
REVENUE, DEPARTMENT OF	
Real Estate Transfer Tax	
86 Ill. Adm. Code 120	14658

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Forms Management	
44 Ill. Adm. Code 4200, Repeal	14661
HUMAN SERVICES, DEPARTMENT OF	
Criteria For The Evaluation Of Programs Of Services In Community Rehabilitation Agencies	
89 Ill. Adm. Code 530	14663
INSURANCE, DEPARTMENT OF	
Accelerated Life Benefit/Terminal Illness/Qualified Conditions	
50 Ill. Adm. Code 1407	14688
Fees For Examination	
50 Ill. Adm. Code 2501, Repeal	14698
Minimum Standards For Individual And Group Medicare Supplement Insurance	
50 Ill. Adm. Code 2008	14700
POLLUTION CONTROL BOARD	
Primary Drinking Water Standards	
35 Ill. Adm. Code 611	14715
PUBLIC HEALTH, DEPARTMENT OF	
Freedom Of Information Code	
2 Ill. Adm. Code 1126	14741
REVENUE, DEPARTMENT OF	
Cigarette Tax Act	
86 Ill. Adm. Code 440	14748
Cigarette Use Tax Act	
86 Ill. Adm. Code 450	14753
Property Tax Code	
86 Ill. Adm. Code 110	14759

EMERGENCY RULES

REVENUE, DEPARTMENT OF

Real Estate Transfer Tax

86 Ill. Adm. Code 12014765

NOTICE OF PUBLIC INFORMATION

ENVIRONMENTAL PROTECTION AGENCY

Listing Of Derived Water Quality Criteria14772

REGULATORY AGENDA

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

Operating Procedures For The Administration Of Non-Federal Grant Funds

20 Ill. Adm. Code 156014781

EDUCATION, STATE BOARD OF

Public Schools Evaluation, Recognition And Supervision

23 Ill. Adm. Code 114782

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received14784

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	16, 1999 - Issue 16: Through	March	31, 1999
July	16, 1999 - Issue 29: Through	June	30, 1999
October	15, 1999 - Issue 42: Through	September	30, 1999
January	14, 2000 - Issue 3: Through	December	31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State

2) Code Citation: 17 Ill. Adm. Code 830

3) Section Numbers: Proposed Action:
830.10 Amendments
830.60

4) Statutory Authority: Implementing and authorizing by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5).

5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed to remove a threatened species from the commercial mussel list and to close Clear Lake to commercial fishing prior to and during waterfowl hunting season.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Commercial fishermen and commercial musselers who fish Clear Lake.

B) Reporting, bookkeeping or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance: Musselers must be able to identify mussel species (no change in skill level).

13) Regulatory Agenda on which this amendment was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830
COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

- 830.5 Definitions
830.10 Waters Open to Commercial Harvest of Fish
830.20 Waters Open to Commercial Harvest of Mussels and Seasons
830.30 Special Regulations
830.40 Devices
830.50 Permits
830.60 Species
830.70 Size Limit
830.80 Commercial Fishing and Musseling in Additional Waters
830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements
- AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6609, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendment at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 830.10 Waters Open to Commercial Harvest of Fish

- a) Mississippi River and adjacent backwaters including that portion of the Kaskaskia River below the navigation lock and dam, except Quincy Bay, including Quincy Bay Waterfowl Management Area, Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge and Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- b) Illinois River and adjacent backwaters from Route 89 highway bridge downstream, except for:
1) U.S. Fish and Wildlife National Wildlife Refuge waters;
2) Donnelly/Depeu Fish and Wildlife Area;
3) Rice Lake Complex, including all of Big Lake; and
4) Meredosia Lake in Cass and Morgan Counties during duck season; and
5) Clear Lake in Mason County 7 days prior to and during the central zone duck season.
- c) Wabash River.
d) Embarras River, except from Route 130 in Coles County upstream to Route 16 including Lake Charleston.
e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
g) Little Wabash River.
h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
i) Skillet Fork.
j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
k) Saline River in Gallatin and Saline counties.
l) Ohio River.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:
1) Carp
2) Buffalo
3) Freshwater drum
4) Catfish (includes bullheads)
5) Paddlefish (only in waters specified in Section 830.30)
6) Carpsuckers
7) Suckers (except Longnose Sucker)
8) Redhorses (except River Redhorse and Greater Redhorse)
9) Goldeye and Mooneye
10) Gar (except alligator gar)
11) Bowfin
12) American mussel
13) Shovelnose sturgeon
14) Gizzard shad
15) White amur (grass carp)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 16) Minnows
 17) Goldfish
 18) Bignead Carp and Silver Carp
 b) The following species of mussels may be taken by licensed commercial musselers:
 1) Washboard (*Megalaniais nervosa*) (Ohio River Only)
 2) Threeridge (*Ambiema plicata*)
 3) Mapleleaf (*Quadrula quadrula*)
 4) Pimpleback (*Quadrula pustulosa*)
 5) Monkeyface (*Quadrula metanerva*)
 6) Wartyback (*Quadrula nodulata*)
 7) Pigtoe (*Fusconaia flava* forma undata)
 8) Hickory Nut (*Obovaria olivaria*)
 9) Pink Heelsplitter (*Potamilus alatus*)
 10) Pocketbook (*Lampsilis ovata*)
 11) Black-Sandshell (*Trigloia recta*)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Real Estate Transfer Tax
 2) Code Citation: 86 Ill. Adm. Code 120
 3) Section Numbers: Proposed Action:
 120.5 New Section
 4) Statutory Authority: 35 ILCS 200/Art. 31 (see Public Act 91-555).
 5) A Complete Description of the Subjects and Issues Involved:
 Subsection (a):
 This provision explains the reporting requirements under the Real Estate Transfer Tax Law [35 ILCS 200/Art. 31]. Although most transactions are subject to both the transfer tax and its reporting requirements [35 ILCS 200/31-10 and 31-25], certain transactions are exempt from the transfer tax but subject to its filing requirements [35 ILCS 200/31-45(b) for all transfers except those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding, (k), or (m)], and still other transactions are exempt from both the transfer tax and its filing requirements [35 ILCS 200/31-45(a), (b) but only for transfers in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding, (c), (d), (e), (f), (g), (h), (i), (j), or (l)].

Subsection (b):

This provision describes the procedures for preparing transfer declarations and supplemental information as well as the enforcement responsibilities of the recorder of deeds and registrar of titles. All required documentation must be fully completed and submitted at the time a deed or trust document is presented for recordation or registration. If these requirements have not been satisfied, then the recorder or registrar must not record or register the deed or trust document.

This provision informs taxpayers and tax practitioners who handle real estate closings of the proper documentation to submit at the time a deed or trust document is presented for recordation or registration. Transactions subject to the State transfer tax must be reported on a transfer declaration form approved by the Department. The version currently in use is Form No. PTAX-203, Real Estate Transfer Declaration, also called a "green sheet". Beginning January 1, 2000, the version that will come into use is Form No. PTAX-203, Illinois Real Estate Transfer Declaration. While the form numbers remain the same, the content and title of the forms are different. Also, additional supplemental information will need to be reported at that time for transactions involving certain categories of commercial or industrial property for

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

which the full actual consideration is over \$1 million. The form approved by the Department for this purpose is Form No. PTA-X-203-A, Illinois Real Estate Transfer Tax Declaration Supplemental Form A.

This provision addresses automation issues. The Department is adding an automated version of the transfer declaration forms to its Web site for taxpayers and tax practitioners to complete and print for presentation to the recorder of deeds or registrar of titles. The Department is also preparing content, edit, form, and reproduction specifications and output testing requirements in order to approve any computer software that is developed by others to electronically produce the transfer declaration. At this point, taxpayers must still file paper transfer declaration forms.

Subsection (c):

This provision advises taxpayers, tax practitioners, computer software vendors, and public officials of the authority of the Department to revise its forms, specifications, and output testing requirements for both the paper and electronically-produced versions of the transfer declaration forms. Forms may be revised with greater frequency in the future as the Department takes steps toward full automation.

Subsection (d):

This provision covers the electronic transmission of assessment information by chief county assessment officers in counties that have entered into a written agreement with the Department.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Jerry Lanter
Counsel - Property Tax
Legal Services Office 5-500
IL Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations associated: Any person or entity that transfers real property subject to the real estate transfer tax will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: The declaration must be fully completed and signed.
- C) Types of professional skills necessary for compliance: None

- 3) Regulatory Agenda on which this rulemaking was summarized: July 1999
The full text of the Proposed Amendment is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page _____:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Forms Management

- 2) Code Citation: 44 Ill. Adm. Code 4200

- 3) Section Numbers: Adopted Action:

4200.5	Repeal
4200.10	Repeal
4200.20	Repeal
4200.30	Repeal
4200.40	Repeal
4200.50	Repeal
4200.60	Repeal
4200.70	Repeal
4200.80	Repeal
4200.90	Repeal
4200.100	Repeal
4200.110	Repeal
4200.120	Repeal
4200.130	Repeal
4200.140	Repeal
4200.150	Repeal
4200.160	Repeal

- 4) Statutory Authority: 20 ILCS 435 and Public Act 90-372

- 5) Effective Date of Repealer: December 8, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this repealer contain incorporations by reference? No

- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: August 20, 1999,
23 Ill. Reg. 9585

- 10) Has JCAR issued a Statement of Objection to the repealer? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

- 13) Will this repealer replace an emergency repealer currently in effect? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED REPEALER

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Repeal of Forms Management Rules (44 Ill. Adm. Code 4200). Statutory language on which rules were based has been repealed by Public Act 90-372.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Stephen W. Seiple
Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies

- 2) Code Citation: 89 Ill. Adm. Code 530

- 3) Section Numbers: Adopted Action:

530.1 New Section

530.5 Amended

530.10 Amended

530.110 Amended

530.130 Amended

530.140 Amended

530.200 Amended

530.230 Amended

530.240 Amended

530.250 Amended

530.260 Amended

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [70 ILCS 2405/3] and authorized by Section 16 of the Civil Administration Code of Illinois [20 ILCS 5/16].

- 5) Effective Date of Rulemaking: December 13, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: August 20, 1999, 23 Ill. Reg. 9598

- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

- 11) Differences between proposal and final version:

In Section 530.1, added the definitions for the following terms:
Competitive Employment Outcome means full-time or part-time work in the competitive labor market in an integrated setting, for which the customer is compensated with the customary wage and level of benefits.

Successful Outcome - means, with respect to a customer: entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

market;

satisfying the vocational outcome of supported employment; or
satisfying any other vocational outcome recognized by the Federal Rehabilitation Services Administration.

In Section 530.130 (f)(2), changed "that service" to "an evaluation".

In Section 530.130 (g)(3)(A)(iv), changed "these" to "the potential".

In Section 530.250 (b)(1), removed "An" and added "Level of funding is an".

In Section 530.250 (b)(2), reinstated "if service and outcome levels both fall below" and added "projected levels, the agency will be required to reimburse the Department for the percentage of service undelivered or outcome levels not reached".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment place an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part: No

- 15) Summary and Purpose of Amendments: This rulemaking revises this Part to incorporate changes mandated by amendments to the federal Rehabilitation Act. Other sections have been amended to clarify the language and these rules. A definition section has been added.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
2nd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 765-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 530

CRITERIA FOR THE EVALUATION OF PROGRAMS OF
SERVICES IN COMMUNITY REHABILITATION AGENCIES PROGRAMS

SUBPART A: INTRODUCTION

Section

530.1

Definitions

530.5

Applicable Standards

530.10

Evaluation Procedure

530.20

Recommended Procedures In Preparation For And During The On-Site Visit (Repealed)

Section

530.100

Available Programs of Service (Repealed)

530.105

Instructions for Completing the Criteria (Repealed)

530.110

Organization & Administration

530.120

Personnel (Repealed)

530.130

Programs and Services

530.140

Safety

530.150

Other (Repealed)

SUBPART C: CONTRACTS WITH COMMUNITY REHABILITATION

AGENCIES PROGRAMS

Section

530.200

Disposition of Referrals

530.230

Program Outcomes

530.240

Designated Program Week

530.250

Types of Contracts

530.260

Fiscal and Administrative Standards

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 2 Ill. Reg. 52, p. 481, effective December 29, 1978; codified at 7 Ill. Reg. 3200; amended at 13 Ill. Reg. 141, effective December 27, 1988; emergency amendment at 17 Ill. Reg. 11701, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20380, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

14663, effective DEC 13 1999.

SUBPART A: INTRODUCTION

Section 530.1 Definitions

Competitive Employment Outcome - means full-time or part-time work in the competitive labor market in an integrated setting, for which the customer is compensated with the customary wage and level of benefits.

Extended Services - means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment.

Integrated Setting - with respect to the provision of services, integrated setting means a setting typically found in the community in which customers interact with non-disabled individuals other than individuals who are providing service to the customer; or with respect to an employment outcome, integrated setting means a setting typically found in the community in which the customers interact with non-disabled individuals.

Successful Outcome - means, with respect to a customer:

entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

satisfying the vocational outcome of supported employment; or

satisfying any other vocational outcome recognized by the Federal Rehabilitation Services Administration.

Supported Employment - means competitive employment in an integrated setting with ongoing support services for individuals with the most significant disabilities:

for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of their disability; and

who because of the nature of their disabilities, need intensive supported employment services in order to perform this work.

Supported Employment Services - means ongoing services needed to support and maintain an individual with the most significant disability in supported employment. Such services are provided for a period of time not to exceed 18 months, unless under special circumstances the time is extended to achieve the rehabilitation

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

objectives identified in the customer's Individual Plan for Employment.

Work Services - means work in a non-integrated or sheltered setting for a public or private non-profit agency that provides compensation in accordance with Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in work services.

(Source: Added at 23 Ill. Reg. 14663, effective Dec. 13, 1989.)

Section 530.5 Applicable Standards

- a) All Community Rehabilitation Program Agencies (agencies) having annual service contracts/agreements with the Department of Human Services-Office of Rehabilitation Services (DHS-ORS) shall have all programs offered to customers accredited by a national accrediting organization or shall be certified by DHS according to the criteria set forth in 89 Ill. Adm. Code 530, Subpart B.
 - b) DHS shall apply its criteria to approve programs and services that will be offered to DHS-ORS customers by an agency that:
 - 1) receives less than \$20,000 annually from DHS-ORS; or
 - 2) is an agency providing new services deemed necessary by DHS-ORS staff, based upon customer needs and that has not yet received national accreditation. A new agency receiving \$20,000 or more annually from DHS-ORS may only be certified by DHS for three years, after which time it must be nationally accredited.
 - c) An agency shall apply for accreditation through:
 - 1) Commission on Accreditation of Rehabilitation Facilities;
 - 2) National Accreditation for Agencies Serving the Blind and Visually Handicapped Council;
 - 3) The Council;
 - 4) Joint Commission on Accreditation of Health Care Organizations; or
 - 5) Council on Accreditation of Services for Families and Children, Inc.
 - d) If the agency meets the criteria in subsection (b) of this Section, application to DHS should be made to:
- Illinois Department of Human Services - Office of Rehabilitation Services
Community Resources
618 E. Washington
Chicago, IL 60624
- e) All Community Rehabilitation Programs (Programs) having annual service

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- contracts/agreements with the Illinois Department of Human Services-Office of Rehabilitation Services (DHS-ORS) shall have all programs offered to DHS-ORS clients accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) or the National Accreditation Council (NAC) or have met the DHS-ORS evaluation criteria set forth in 89 Ill. Adm. Code 530, Subpart B.
- b) DHS-ORS shall only apply its evaluation criteria to approve all programs of service which will be offered to DHS-ORS clients by a Program which:
 - 1) receives less than \$20,000 annually from DHS-ORS for fees paid for evaluation, training, and placement provided DHS-ORS client; or
 - 2) is a new Program whose services are deemed necessary by DHS-ORS staff, based upon client need and who have not yet received NAC or CARF accreditation and which have been in existence for at least one year.
 - A new Program is one which either has not previously been in existence or one which has not previously provided services to DHS-ORS clients.
 - A new Program receiving \$20,000 or more annually from DHS-ORS may only be accredited by DHS-ORS for three years, after which time they must be accredited by CARF or NAC.
 - A Program shall apply for accreditation through the accrediting body's established procedures:
 - 1) Application to CARF should be made to:
Commission on Accreditation of Rehabilitation Facilities
191 North Walnut Road, Suite B
Tucson, Arizona 85715
 - 2) Application to NAC should be made to:
National Accreditation Council
39 Madison Avenue
New York, New York 10016
 - 3) Application to DHS-ORS should be made to:
Illinois Department of Human Services-Office of Rehabilitation Services
Manager-Community Rehabilitation Programs Unit
P.O. Box 19489
Springfield, Illinois 62794-9429
- (Source: Amended at 23 Ill. Reg. 14663, effective Dec. 13, 1989.)

Section 530.10 Evaluation Procedure

- a) With the submission of an application to DHS, an agency At the request of a Program described in Section 530.5(b) the program shall be evaluated by representatives of DHS DHS-ORS. The new service program provided by the agency Program must have been in operation for a period of one year prior to applying for a requesting the evaluation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) The DHS representative assigned to conduct the evaluation shall contact the agency to arrange for a time and date convenient for all concerned. This representative shall confirm the date by letter. The selection of the DHS-ORS representatives shall be the responsibility of the DHS-ORS Manager, Community Rehabilitation Programs Unit.
- c) The DHS representative shall be responsible for applying the standards set forth in Subpart B of this Part to the agency. DHS-ORS Regional Facility/Supported Employment Specialist shall ensure that the programs in his/her region requesting evaluations receive copies of the standards contained in 09-111-Adm-Code 530; Subpart B in advance of the scheduled evaluation dates.
- 1) Prior to conducting the evaluation, the DHS representative shall explain the on-site evaluation procedure to the agency.
- 2) During the evaluation process, the DHS representative shall review the case records, program description and documents, and interview staff and customers to ensure that standards are being followed.
- d) The DHS DHS-ORS representative conducting the survey shall hold an exit interview. The purpose of the interview shall be to indicate areas in which the agency does and does not comply with Subpart B assigned to conduct the evaluation shall contact the program director to arrange for a time and date convenient for all concerned. This representative shall confirm the date by letter.
- e) A written report of the results of the evaluation shall be sent within 30 calendar days after the evaluation to the agency. The DHS-ORS representative shall be responsible for applying the standards set forth in Subpart B of this Part to the program.
- 1) Prior to conducting the evaluation, the DHS-ORS representative shall explain the on-site evaluation procedure to the program director as well as program directors in charge of services to be accredited.
- 2) During the evaluation process, the DHS-ORS representative shall review the case records, program description and documents, and interview staff and clients to insure that standards are being followed.
- f) The agency must submit a plan of correction to DHS within 30 calendar days after receipt of the report. The plan shall indicate how the agency plans to comply with Part 530 in those areas in which the agency was found to not comply. The plan shall include time frames for compliance. The DHS-ORS representative conducting the survey shall hold an exit interview with the program director, staff designated by the program director and invited guests. The purpose of the interview shall be to summarize the strengths and weaknesses observed during the evaluation.
- g) The results of the evaluation with recommendations for corrective action based on compliance with this Part shall be sent to the Manager, Community Rehabilitation Programs Unit. The Manager reviews the report based upon this Part and within 30 calendar days of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- evaluation notifies the program director and/or the governing body in writing of the results of the evaluation.
- h) The program director and/or governing board has the right to question the results of the evaluation report. Concerns shall be directed to the DHS-ORS Manager, Community Rehabilitation Programs Unit within 30 calendar days following receipt of the evaluation results. The letter of concern should identify specific areas in which the program does not concur with the evaluation results and any noted deficiencies. Information supportive of the program's position should also be included for DHS-ORS review. The Manager, Community Rehabilitation Programs Unit, will review the stated concerns to determine if the program was in compliance with this Part based on the additional information and, if necessary, make changes in the report.
- g) Upon acceptance of the plan of correction, DHS BHS-ORS shall notify the agency Program of the decision to:
- 1) approve the program and services offered by the agency Program for three years if compliance with the standards of Subpart B are met; or
 - 2) to grant provisional status to the agency Program for a one-year period. Provisional status is granted as a temporary approval, contingent upon adherence to and action consistent with the plan of correction. Pertinent to recommendations made as the result of the evaluation or
 - 3) not approve the services offered by the program. When BHS-ORS determines that a service is not in place (e.g., the program does not have a work adjustment plan) or when a plan of corrective action cannot be mutually agreed upon by BHS-ORS, will not approve the program.
- h) DHS shall notify the agency of the decision to not approve the program or services offered by the agency when an agency is not in compliance with the standards of Subpart B.
- 1) The agency has the right to appeal the evaluation report under 89 Ill. Adm. Code 508.
- 1) A written report for a hearing must be submitted to DHS within 10 calendar days after the receipt of the evaluation report.
 - 2) DHS will notify the agency of the date, time and location of the hearing at least 14 calendar days prior to the hearing date.
- (Source: Amended at 23 Ill. Reg. 146.63, effective 08/13/04)

Section 530.110 Organization & Administration

- a) Corporate Status
- The agency program must be a legally constituted corporate entity or an entity operated by a state or political subdivision of the state State under an appropriate Federal, state or local statute. BHS-ORS requires good management practice which is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

objectives identified in the customer's Individual Plan for Employment.

Work Services -- means work in a non-integrated or sheltered setting for a public or private non-profit agency that provides compensation in accordance with Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in work services.

(Source: Added at 23 Ill. Reg. 14663, effective 06/13/1999)

Section 530.5 Applicable Standards

- a) All Community Rehabilitation Program Agencies (agencies) having annual service contracts/agreements with the Department of Human Services-Office of Rehabilitation Services (DHS-ORS) shall have all programs offered to customers accredited by a national accrediting organization or shall be certified by DHS according to the criteria set forth in 89 Ill. Adm. Code 530, Subpart B.
- b) DHS shall apply its criteria to approve programs and services that will be offered to DHS-ORS customers by an agency that:
 - 1) receives less than \$20,000 annually from DHS-ORS; or
 - 2) is an agency providing new services deemed necessary by DHS-ORS staff, based upon customer needs and that has not yet received national accreditation. A new agency receiving \$20,000 or more annually from DHS-ORS may only be certified by DHS for three years, after which time it must be nationally accredited.
- c) An agency shall apply for accreditation through:
 - 1) Commission on Accreditation of Rehabilitation Facilities;
 - 2) National Accreditation for Agencies Serving the Blind and Visually Handicapped Council;
 - 3) The Council;
 - 4) Joint Commission on Accreditation of Health Care Organizations; or
 - 5) Council on Accreditation of Services for Families and Children, Inc.
- d) If the agency meets the criteria in subsection (b) of this Section, application to DHS should be made to:

Illinois Department of Human Services - Office of Rehabilitation Services
Community Resources
618 E. Washington
Chicago, IL 60679
All Community Rehabilitation Programs (agencies) having annual service

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

contracts/agreements with the Illinois Department of Human Services-Office of Rehabilitation Services (DHS-ORS) shall have all programs offered to DHS-ORS clients accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) or the National Accreditation Council (NAC) or have met the DHS-ORS evaluation criteria set forth in 89 Ill. Adm. Code 530, Subpart B.

b) DHS-ORS shall only apply its evaluation criteria to approve all programs of service which will be offered to DHS-ORS clients by a program which:

- 1) receives less than \$20,000 annually from DHS-ORS for fees paid for evaluation, training, and placement provided DHS-ORS clients; or
- 2) is a new program whose services are deemed necessary by DHS-ORS staff, based upon client need and who have not yet received NAC or CARF accreditation and which have been in existence for at least one year.

A new program is one which either has not previously been in existence or one which has not previously provided services to DHS-ORS clients. A new program receiving \$20,000 or more annually from DHS-ORS may only be accredited by DHS-ORS for three years, after which time they must be accredited by CARF or NAC.

- c) A program shall apply for accreditation through the accrediting body as established procedures:
 - 1) Application to CARF should be made to:
Commission on Accreditation of Rehabilitation Facilities
101 North Wilmot Road, Suite B
Tucson, Arizona 85735
 - 2) Application to NAC should be made to:
National Accreditation Council
39 Madison Avenue
New York, New York 10016
 - 3) Application to DHS-ORS should be made to:
Illinois Department of Human Services-Office of Rehabilitation Services
Manager, Community Rehabilitation Programs Unit
P.O. Box 19429
Springfield, Illinois 62794-9429

(Source: Amended at 23 Ill. Reg. 14663, effective 06/13/1999)

Section 530.10 Evaluation Procedure

- a) With the submission of an application to DHS, an agency at the request of a program described in Section 530.5(b) the program shall be evaluated by representatives of DHS DHS-ORS. The new service program provided by the agency must have been in operation for a period of one year prior to applying for a requesting the evaluation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) The DHS representative assigned to conduct the evaluation shall contact the agency to arrange for a time and date convenient for all concerned. This representative shall confirm the date by letter, the selection of the BHS-GRS representatives shall be the responsibility of the BHS-GRS Manager, Community Rehabilitation Programs Unit.
- c) The DHS representative shall be responsible for applying the standards set forth in Subpart B of this Part to the agency. BHS-GRS Regional Facility/Supported Employment Specialist shall ensure that the programs in his/her Region requesting evaluations receive copies of the standards contained in 09 Ill. Adm. Code 530-B Subpart B in advance of the scheduled evaluation dates.
- 1) Prior to conducting the evaluation, the DHS representative shall explain the on-site evaluation procedure to the agency.
- 2) During the evaluation process, the DHS representative shall review the case records, program description and documents, and interview staff and customers to ensure that standards are being followed.
- d) The DHS BHS-GRS representative conducting the survey shall hold an exit interview. The purpose of the interview shall be to indicate areas in which the agency does and does not comply with Subpart B assigned to conduct the evaluation shall contact the Program director to arrange for a time and date convenient for all concerned. This representative shall confirm the date by letter.
- e) A written report of the results of the evaluation shall be sent within 30 calendar days after the evaluation to the agency. The BHS-GRS representative shall be responsible for applying the standards set forth in Subpart B of this Part to the Program.
- 1) Prior to conducting the evaluation, the BHS-GRS representative shall explain the on-site evaluation procedure to the Program director as well as program directors in charge of services to be accredited.
- 2) During the evaluation process, the BHS-GRS representative shall review the case records, program description and documents, and interview staff and clients to insure that standards are being followed.
- f) The agency must submit a plan of correction to DHS within 30 calendar days after receipt of the report. The plan shall indicate how the agency plans to comply with Part 530 in those areas in which the agency was found to not comply. The plan shall include time frames for compliance. The BHS-GRS representative conducting the survey shall hold an exit interview with the Program director, staff designated by the Program director and invited guests. The purpose of the interview shall be to summarize the strengths and weaknesses observed during the evaluation.
- g) The results of the evaluation with recommendations for corrective action based on compliance with this Part shall be sent to the Manager, Community Rehabilitation Programs Unit, the Manager reviews the report based upon this Part and within 30 calendar days of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- evaluation, notifies the Program director and/or the governing body in writing of the results of the evaluation.
- h) The Program director and/or governing board has the right to question the results of the evaluation report. Concerns shall be directed to the BHS-GRS Manager, Community Rehabilitation Programs Unit within 30 calendar days following receipt of the evaluation results. The letter of concern should identify specific areas in which the program does not concur with the evaluation results and any noted deficiencies. Information supportive of the Program's position should also be included for BHS-GRS review. The Manager, Community Rehabilitation Programs Unit, will review the stated concerns to determine if the Program was in compliance with this Part based on the additional information and, if necessary, make changes in the report.
- g) Upon acceptance of the plan of correction, DHS BHS-GRS shall notify the agency Program of the decision to:
- 1) approve the program and services offered by the agency Program for three years if compliance with the standards of Subpart B are met; or
 - 2) to grant provisional status to the agency Program for a one-year period. Provisional status is granted as a temporary approval, contingent upon adherence to and action consistent with the plan of correction. Pertinent to recommendations made as the result of the evaluation, or
 - 3) not approve the services offered by the Program. When BHS-GRS determines that a service is not in place (e.g., the Program does not have a work adjustment plan) or when a plan of corrective action cannot be mutually agreed upon, BHS-GRS will not approve the Program.
- b) DHS shall notify the agency of the decision to not approve the program or services offered by the agency when an agency is not in compliance with the standards of Subpart B.
- 1) The agency has the right to appeal the evaluation report under 99 Ill. Adm. Code 508.
- 1) A written report for a hearing must be submitted to DHS within 10 calendar days after the receipt of the evaluation report.
- 2) DHS will notify the agency of the date, time and location of the hearing at least 14 calendar days prior to the hearing date.

(Source: Amended at 23 Ill. Reg. 146.03, effective _____, DEL 13 1994)

Section 530.110 Organization & Administration

- a) Corporate Status
- The agency program must be a legally constituted corporate entity or an entity operated by a state or political subdivision of the state under an appropriate Federal, state or local statute. BHS-GRS requires good management practice, which is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

determined-based-on-the-factors-in-subsections-(b)-and-(c)-below:

- b) Governing Body
 - 1) The governing body's responsibility for establishing the organization's mission, policies, and necessary financial support must be in writing. Body is responsible for establishing the mission of the organization, policies, buildings and equipment and necessary financial support to fulfill the mission. These responsibilities are stated in the constitution or bylaws.
 - 2) The membership of the governing body shall be broadly representative of the community. Suggested representation would include business, education, accounting, and consumer.
 - 3) The governing body shall employ a full-time Director and delegate delegates to that person the authority and responsibility for the management of the agency program in accordance with established policies.
 - 4) The governing body or its executive committee, the Director, and invited staff of its choice including at a minimum the Director of the Program shall meet at least quarterly.
 - 5) The governing body shall review and approve the agency annual budget and the independent, certified audit, annually, and the review and approve income and expense reports at least quarterly.
 - 6) As part of the constitution or bylaws, the governing body shall have a policy guarding against possible conflicts of interest between its members and the operation of the agency Program.
 - 7) The agency Program must have insurance to protect assets and to ensure compensation for staff, individuals with disabilities, volunteers, and the public, in the event such compensation would be required for occurrences for which the agency Program is liable. There shall be documentation that the governing body reviews the insurance profile annually and the extent and type of coverage is determined after consultation with professional insurance representatives persons. Evidence of this review must be documented in the minutes of the governing body meetings.
- c) Administration
 - 1) The agency shall complete an annual written evaluation of all its programs and services that shows evidence of: the Program's service programs; physical plant; equipment needs; and personnel shall be completed by the Program staff for the governing body to determine consistency with the Program's mission. The evaluation report includes the strengths and/or weaknesses of each service program and a recommended plan for improvement with time frames identified. There must be evidence that the report has been submitted to the governing body or its executive committee and that needed action has been taken.
 - A) Maintenance of safe and accessible program.
 - B) A review of the quality and appropriateness of the services offered.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) a review of the effectiveness of the services as measured by outcomes achieved; and
- D) customer satisfaction with the services received and employment outcomes achieved.
- 2) Staff shall receive in-service training in accordance with the agency's policies and procedures. Policies and programs for in-service training for staff shall be available in written form. These policies shall be reviewed and approved by the governing body.
- 3) The agency shall employ staff members in such numbers and of such types to meet the needs of the individuals served in a manner consistent with the purposes and objectives of the organization. The financial operations of the program shall be audited annually by an independent-certified public accountant.
- 4) The agency shall have public information materials that identify:
 - A) an annual budget shall be prepared by the Executive Director and presented to the governing body for approval;
 - B) the programs and services available;
 - C) how programs and services can be obtained; and
 - D) its non-discrimination policy.
- 5) Income and expense reports shall be submitted to the governing body at least quarterly.
- 6) An employee with rehabilitation training and/or experience shall be designated to coordinate rehabilitation services. The individual shall be responsible for ensuring that the persons responsible for evaluation, training, and placement programs coordinate the activities which will result in meeting the client's employment goals.
- 7) The program shall employ personnel in such numbers and of such type as to meet the needs of individuals served.
- 8) The program shall have in place as a means of public information a pamphlet or other written materials which contains the following:
 - A) a description of services and programs offered;
 - B) identification of client population served;
 - C) a description of admission procedures;
 - D) a statement of client rights; and
 - E) a statement of its nondiscrimination policy.
- 8) The program must meet accessibility and safety standards cited in subsection (4) of this Section. Section 59-149 and 89-111. Adm. Code 525 prior to providing any services to BHS-GRS clients. BHS-GRS staff will survey the physical plant of the program to ensure standards are met. If standards are not met, the program shall submit a plan of action for approval and follow the procedures set forth at 89-111 Adm. Code 525.111(c).
- 8) BHS-GRS must be informed prior to a program's change in location. BHS-GRS will survey the new location prior to the move to ensure

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

accessibility-and-safety-standards-are-met--if-a--Program--fails--to notify-BHS-GRS-prior-to-a-move--all-services-to-BHS-GRS-clients-shall be--suspended--until--a--survey--is-completed-by--BHS-GRS--and--the accessibility--and--safety--of--the-new-location-are-established--No program-will-be-paid-for-services-to-BHS-GRS-clients-during-the-period of-the-suspension--in-no-event-will-BHS-GRS-clients-be-sent-to-a-new location-if-it-is-determined-inaccessible-or-unsafe

d) Federal and State Regulations

1) The agency shall offer programs and services that are accessible to persons with disabilities in accordance with Program must comply with--Title-VI-of-the-Civil-Rights-Act-of-1964--(42-USA-2861)---the-Constitution-of-the-United-States; Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 7936), the Americans with Disabilities Act (42 USC 12001), and the Illinois Accessibility Code (71 Ill. Adm. Code 400). the-1970-Constitution of-the-State-of-Illinois--the-Illinois-Human-Rights-Act-(775-ILCS 57-1)---the-Architectural-Barriers-Act-of-1968-(PB-90-480)-August-17-1968--82-USA-943--the-Uniform-Accessibility-Standards--(41-CFR 101-19.6--et--seq)--and-the-American-National-Standards-Institute No.-A117.1-1967--and-any-laws-regulations-or-orders--State-or Federal--which-prohibit-discrimination-on-the-grounds-of-race, sex,color,religion,national-origin,ancestry,marital--status, unfavorable-discharge--from-the-military--the-inability-to-speak or-comprehend-the-English-language-and-any-physical-or-mental disability--The-Program-shall-engage-in-an-Affirmative-Action program-as-required-by-Section-504-of-the-Rehabilitation-Act--of 1973--as-amended--Notice-of-compliance-with-these-Acts-must-be posted-in-a-public-place-within-the-physical-plant-of-the-Program so-that-all-staff-and-clients-have-the-opportunity-to-see-it. Public-information-material-must-also-include-statements-of compliance-with-these-Acts.

2) The agency shall engage in an Affirmative Action Program that Provides documentation of its non-discrimination policy and staff characteristics as required by Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Program-must-comply-with both-Federal-and-State-Departments-of-Labor-Rules-and-Regulations (29-CFR--524-(1987)-with-no-later-amendments-or-editions)-and-56 (49-Adm--Code---280-5089--respectively)---governing--wage requirements-and-be-able-to-produce-evidence-of-meeting-such requirements.

3) The Agency shall show evidence of compliance with both federal and State Department of Labor rules and regulations governing wage reimbursement and the Program-must-comply-with-the Workers' Compensation Act (820 ILCS 305).

(Source: amended 23 Ill. Reg. 14663, effective 01-13-99)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Section 530.130 Programs and Services

a) Program Definitions

For the purposes of this Part, the following terms shall have the following meanings:

1) Evaluation

A) Functional Vocational Assessment - a limited survey of an individual's vocational interests and abilities based on a particular program's curriculum and DHS-GRS counselor's requests.

B) Vocational Evaluation - an assessment of an individual's ability to function in a single area (e.g., clerical) or a broad-based assessment of the individual's interests and abilities utilizing a variety of tests, work samples, and situational assessments.

C) Psycho-social Evaluation - a vocational assessment which includes intensive counseling and case management in support of clinical services.

D) Community Based Work Assessment - observation of an individual in a community work setting by assessing his/her work skills, work habits and attitudes, social and personal characteristics, vocational interest, employment preferences, family support, and other needs.

2) Training

A) Work Adjustment Training (WAT) - transitional, time limited training using individual or group situations. The goal of WAT is to assist the individual in understanding the meaning, value and demands of work and to develop the necessary skills and work attitudes necessary to achieve his/her employment outcome.

B) Psycho-social Rehabilitation - an approach to rehabilitation, usually used in the programming for the chronically mentally ill, that combines psychological, medical, vocational, educational and social components with an assertive outreach approach to develop, maximize and maintain the optimal level of functioning for the individual. The goal of psycho-social rehabilitation is obtaining or maintaining competitive, supported or sheltered employment.

C) Skills Training - a formal training program of instruction with a written curriculum that develops skills and knowledge for a specific occupation or job family. Training may be in a community or non-community job site.

D) Transitional Employment - services provided to an individual at a community worksite which leads to competitive integrated employment.

E) Job Seeking Skills Training - training to assist an individual to obtain the skills and knowledge to choose a

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- reasonable employment objective and competitive employment.
- 3) Placement
- 1A) Competitive Placement Services - a group of community-based services designed to assist an individual in obtaining a competitive employment outcome. Services include:
- 1A) Assessment - services to assist an individual through observation of job readiness; transferable skills, social and personal characteristics, vocational interest, employment preferences, retention skills, and coping skills;
- 1B) Job Development and Placement - services to assist an individual in identifying specific jobs that are available to him/her using job match techniques;
- 1C) On-the-job Training - specific training on a specific job to assist an individual in obtaining specific skills and experience in that job;
- 1D) Follow-up Services - time limited services which provide direct and indirect support to an individual and/or employer to allow for adequate job adjustment and retention, or further job development and placement.
- 1E) Supported Employment Placement Services - services provided to any individual with a significant or most significant disability to support a customer in the supported employment setting, in a community-integrated work setting; services are provided through the place/train model; a job coach provides intensive training and support services required to allow the individual to function on the job-site.
- b) The following are required components of all programs and services to be certified. Program Standards
- 1) Intake and Admission
- 1A) All individuals referred for services shall receive a referral must be screened by personal interview that includes an explanation of why the individual was referred, service opportunities available to the individual, and any rights and remedies the individual may have, including the appeal process and the time frames associated with the individual's appeal rights interviews and a review of recent medical examinations, psychological testing, and personal data to determine if the program can meet the client's needs.
- 2) Confidential A-confidential case records shall be kept secure and shall be available only to authorized personnel record-which includes the information obtained in accordance with subsection (b); must be maintained by the program for each client receiving services from the program and be available only to authorized personnel.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 3) There shall be a designated staff member or group that is responsible for making admission decisions. Referred individuals not accepted for programming shall be informed in writing of the reason(s) for non-acceptance and, if possible, referred to other appropriate resources in the community.
- 4) Individuals referred for services shall be notified in writing of their acceptance or nonacceptance into the program when programs have reached full capacity and waiting lists for admission exist; there must be written procedures for the administration of the waiting lists and notification of service availability. This notification is documented in each referral file.
- 5) Persons on waiting lists shall be contacted monthly, apprised of their status, and given sufficient information to decide whether to remain on the waiting list or seek services elsewhere. There must be clearly written entrance and exit criteria for each program offered by the program.
- 6) There shall be clearly written entrance and exit criteria for each service offered by the agency. As part of the entrance procedure, the client should receive a Manual which provides information on safety services, salaries, fringe benefits, working conditions, standards of behavior expected, and client's rights.
- 7) Functional-Vocational Assessment
- Programs which include psychological testing shall be under the supervision of a psychologist registered with the Illinois Department of Professional Regulation in accordance with the Clinical Psychologist Licensing Act (225 ILCS 15-1).
- 8) Individual Choices Evaluation
- 1A) Each person shall be presented with goal and service options that would assist in choosing an employment goal. An employee with rehabilitation training and/or experience in evaluation techniques must have the responsibility for managing the evaluation program.
- 2) Each person shall be enabled to choose his/her employment goal and services and express his/her degree of satisfaction with the results achieved. Written evaluation procedures shall identify objectives, evaluation sites, staff responsibility, and activities to be used in the evaluation procedure.
- 3) Based on referral information, a written evaluation plan shall be developed for each client prior to admission. Each individual plan shall include:
- 1) goals and objectives of the client's evaluation and
 - 2) time frames for achievement of goals and objectives.
- 4) An evaluation staffing shall be held at the completion of the program and BISORS staff pertinent to addressing the evaluate's needs must be in attendance in all instances the client must attend the staffing unless

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

inappropriate--due--to--client's-physical-and/or-mental-state
feign--hospitalization--at--which--time--a--parent--family
member--guardian--advocate--or--duly--authorized--representative
of--the--client--shall--be--invited--to--participate--Results--of
the--staff--meeting--will--be--documented--and--become--a--part--of
the--client's--case--record.

B) A--written--evaluation--report--shall--be--provided--and
interpreted--to--the--client:

d)4) Individual Service Plans Training

1)A) Individual service plans shall be developed for each person
served that address the person's preferences and needs for
services and their expected outcomes. An--employee(s)--with
rehabilitation--training--and/or--experience--must--have--the
designated--responsibility--for--managing--the--training--program.

2)B) All persons involved in the development of the plan shall
receive a copy of the plan within 5 working days after its
development. Written training procedure--and/or--curricula--shall
include--identification--of--training--objectives--program--length--
training--sites--staff--responsibilities--and--a--general--overview--of
the--methods--equipment--and--materials--to--be--utilized.

3)C) Each service plan shall identify: Based upon previous diagnostic
findings--and--available--data--an--individualized--written--training
plan--shall--be--developed--prior--to--the--client's--entering--training--
the--plan--includes:

A)1) An employment goal that is identified by at least a three
digit Dictionary of Occupational Titles job family the
impediment(s)--that--exist--which--interfere--with--the--client's
vocational--objectives;

B)1) understandable, measurable objectives that need to be
reached in order to achieve the person's employment goal the
overall--anticipated--outcome--of--the--applied--program;

C)1) the services needed to meet the objectives intermediate
objectives--to--be--reached--in--order--to--achieve--the--anticipated
outcome;

D)1) time frames needed to achieve the goal and each objective;
time--frames--associated--with--each--planned--intermediate
objective--and--the--overall--outcome--and
E)1) measures to assess the outcome of each objective, including
review dates) and identifiable indicators which will measure
the success of the plan;

F) the persons responsible for implementing the plan.

B) The program must have vocational assessment--information
available--which--indicates--that--the--client--has--interest--in
the--job--area--motivation--and--aptitudes--for--the--job--prior--to
placement--in--the--program;

B) The program shall have work/job sites and ancillary programs
necessary--to--meet--the--needs--identified--in--the--individualized
written--training--plan;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

F) Training--staffing--are--to--be--held--at--least--every--eight--weeks
for--review--of--the--client's--plan--and--intermediate--objectives--
Program--and--BHS--ORS--staff--pertinent--to--addressing--the
client's--needs--must--be--in--attendance--in--all--instances--the
client--must--attend--the--staffing--unless--inappropriate--due--to--
the--client's--physical--and/or--mental--state--at--which--time--a
parent--family--member--guardian--advocate--or--duly--authorized
representative--of--the--client--shall--be--invited--to
participate:

e)5) Staffings Placement and Follow-up

1)A) Before entering any program, each person shall be afforded a
staffing to develop a service plan in concert with the BHS-ORS
counselor and the agency An--employee--with--rehabilitation--training
and/or--experience--shall--have--the--responsibility--of--coordinating
the--placement--program.

2)B) Staffings shall be held on a scheduled basis to allow for review
and discussion of the person's progress towards achieving his/her
employment goal and objectives, as follows: An--individualized
written--placement--plan--shall--be--developed--to--establish--the
activities--needed--for--a--client--to--reach--employment--goals--the
Plan--shall--include--services--needed--to--maintain--employment--and--the
responsibilities--of--the--individuals--involved--in--the--Plan:

A) at the completion of evaluation;

B) at least once every eight weeks for training and placement
services up to the date of successful employment;

C) at least once every three months for persons receiving
Extended Services.

3)C) The person served must be given the opportunity at each staffing
to express his/her thoughts about his/her service plan. Placement
services--must--be--provided--in--accordance--with--the--individual
client's--employment--goals--Placement--service--should--be--provided
to--those--clients--in--all--work--oriented--programs.

B) Follow-up--services--shall--be--provided--to--ensure--employment
adjustment--and--retention--When--problems--related--to--the--job
occur--follow-up--service--will--include--additional--programming
feign--job--coaching--additional--training--transportation
assistance);

B) Placement--staffings--shall--be--held--at--least--every--4--weeks--to
review--the--placement--follow-up--activities--for--each--client
and--the--need--to--modify--the--follow-up--plan--based--on--the
client's--changing--needs--Written--summaries--of--these
staffings--shall--be--provided--to--the--client--BHS--ORS--and--all
other--individuals--so--authorized--by--the--client;

F) The placement specialist shall develop and maintain a
written--commentary--on--employee--contacts--to--identify
employment--opportunities--for--persons--with--disabilities--the
commentary--would--include--the--employer's--contact--person's--types
of--job's--necessary--skills--for--the--job--and--job--openings;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

C.167 Reports Work-Services

1) All persons involved in the development of the plan shall receive a copy of each staffing report within ten working days after the staffing clients--employed--in--the--program's--work services--information--shall--receive--an--employee's--manual--providing information--on--safety--services--salaries--fringe--benefiting working--conditions--standards--of--behavior--expected--and--appeal rights.

2) A final evaluation report shall be written for each person who completes an evaluation that includes the following Minimum program-standards-for-employment-are:

A) Background information regarding the person at--least semiannually--the--Program--staff--must--assess--each--client's potential--for--community--job--placement--the--client--shall--be referred--for--other--services--e.g.--vocational--evaluation--and work--adjustment--skill--training--Programs--in--industry--and job--placement--when--Program--staff--determines--that--community placement--may--be--a--feasible--goal--(e.g., improvement--in behavior--increase--in--productivity);

B) Interpersonal/Personal observations made by agency staff there--shall--be--no--charge--to--the--client--for--the--privilege of--employment--per--se--there--may--be--however--appropriate charges--for--optional--and--rehabilitation--services--However no--charge--shall--be--imposed--without--advance--notice--to--and approval--of--the--client--An--itemized--invoice--is--submitted--to the--client--serviced--the--legal--guardian--or--a--third--party sponsor; and

C) A vocational appraisal of the person, within one year of entry into employment in the work-services program--each client--shall--receive--benefits--commensurate--with--those provided--other--comparably--classified--non-disabled--employees within--the--Program--in--the--event--no--comparable classification--exists--the--client--shall--be--provided annually--a--minimum--of--five--days--paid-vacation--five--days paid--sick-leave--and--five--holidays--with--pay.

D) Recommended objectives and services to attain the stated employment goal; and

E) A summary of the staffing conducted, including customer comments.

3) A training and placement report shall be written at least every eight weeks, or quarterly if the customer is receiving Extended Services, that summarizes the following:

A) Accomplishment of the objectives;

B) Remaining services needed by the customer to achieve the employment goal; and

C) A summary of the staffings conducted, including the customer's comments.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

4) When a successful placement has been achieved, the report shall also address the following:

A) place of employment;
B) date of job placement;
C) job title;
D) wages;
E) hours of work per week;
F) customer satisfaction with all aspects of the placement; and
G) any post-employment services needed.

g) Individual Program Standards

1) Evaluation

A) Evaluation methods, techniques and work sites shall be relevant to the customer's needs.

B) The customer shall be able to choose an employment goal and provide a plan as a result of the evaluation services provided.

2) Training

A) Individually designed services shall be provided that meet the customer's specific needs and desires and are consistent with his/her employment goal.

B) The customer shall be able to achieve his/her employment goal as a direct result of service provided.

3) Placement

A) Each customer shall be provided a vocational assessment service that will assist him/her in identifying and understanding:

i) his/her vocational assets;

ii) his/her vocational needs, including income, hours of employment, and transportation;

iii) specific characteristics of an employment area; and

iv) potential employment opportunities, including a listing of the potential employers.

B) The employment goal established for the customer shall include the number of hours of employment per week.

C) Job search activities shall include the customer whenever possible and shall be consistent with the customer's employment goal and safety and accessibility needs.

D) Documentation of each employer contact made on behalf of the customer shall be maintained.

E) Follow-up services, including when appropriate on-site job coaching services and off-site job retention counseling shall be provided in accordance with the customer's needs and are designed to ensure the customer's successful job retention.

4) Work Services

A) Each customer shall be offered at least 20 hours of paid work per week.

B) Within one year after entering employment, each customer

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

shall be provided with the same benefits provided comparable classified employees.

- C) The agency shall ensure there are no charges to customers for the privilege of employment.
- D) All charges for optional or additional rehabilitation services shall be made in advance and with the agreement of the customer.
- E) The agency must reassess each customer's potential for community employment at least annually.

(Source: Amended at 23 Ill. Reg. 14663, effective
DEC 13 1999)

Section 530.140 Safety

Each agency shall ensure:

- a) all services are provided in a safe environment;
- b) a staff person is responsible for developing and maintaining the agency's safety program;
- c) an executive safety committee has been established with clearly defined responsibilities, including:
 - 1) at least quarterly, review and complete a written assessment of the effectiveness of the safety program;
 - 2) develop a written emergency plan that details staff action and responsibilities in the event of fire, power failure, and natural disasters;
- d) maintain an accident prevention program; and
- e) maintain an accident reporting system that includes a review of the incident reports made and the recommendations for corrective action.
- f) test drills are completed at least quarterly and the results of the drills are sent to the executive safety committee;
- g) that at least annually, inspections are completed by local or State fire control agencies that give the agency a satisfactory rating for each site operated by the agency. If an unsatisfactory rating is given, the agency must take immediate corrective action;
- h) independent, comprehensive safety instructions are conducted at least every two years by qualified safety specialists; and
- i) staff currently certified in first aid and cardiopulmonary resuscitation are available at all times when and in all locations where customers are present in the agency's facilities.

Physical Plant

- 1) the physical plant of the program and its environment shall be arranged and maintained to assure compliance with the Illinois Accessibility Code (73 Ill. Adm. Code 400);
- 2) the program director shall designate a staff member who will be responsible for developing and maintaining a safety program in accordance with subsection (e).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) An executive safety committee shall be appointed with clearly defined responsibilities for the safety programs of the program, including:
 - A) meeting at least quarterly to review the program's safety program and complete a written evaluation of the effectiveness of the program;
 - B) developing a written emergency plan detailing staff action and responsibilities, including provision for fire evacuation, power failure, and natural disasters;
 - C) establishing a program of accident prevention;
 - D) establishing a system of accident reporting which shall also include a review of the incident reports made and recommendations for corrective action;
- 4) The program staff shall conduct test drills of the emergency plan at least once each six weeks with written results of the test drills being forwarded to the Director of the facility;
- 5) The program shall have evidence of a satisfactory inspection by local or State fire control agencies at least once each 12 months or sooner if required by State or local standards;
- 6) The program shall utilize at least once every two years competent safety specialists (e.g., a licensed or registered safety engineer, a representative of a State agency providing Occupational Safety and Health Administration type inspections on a consultative basis, a safety consultant or representative of the program's insurer) to complete safety surveys of all program locations, programs, and equipment;
- b) Emergency treatment
 - 1) The program shall provide an area for temporary isolation and care of clients who become ill while at the program;
 - 2) The program shall have a person(s) trained to render first aid including cardiopulmonary resuscitation (e.g., Red Cross, local hospital);
 - 3) The program shall have a written operational procedure designed to provide protection to all individuals in the program in the event of catastrophic emergencies (e.g., fire, tornado, flood);

(Source: Amended at 23 Ill. Reg. 14663, effective
DEC 13 1999)

SUBPART C: CONTRACTS WITH COMMUNITY REHABILITATION AGENCIES PROGRAMS

Section 530.200 Disposition of Referrals

- a) When an agency a program refers a customer client to DHS-ORS for services, DHS-ORS shall notify the agency program, in writing, of the disposition of the referral within 30 calendar days of receipt of the referral. This notification shall include the name of the counselor,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the customer's client's current status with DHS-ORS and any pertinent information regarding the customer client, including the possibility and projected date, of DHS-ORS funding of services for the customer client.

- b) When DHS-ORS refers a customer client to an agency a-Program for services, the agency Program shall notify DHS-ORS, in writing, of the disposition of the referral within 30 calendar days of receipt of the referral. This notification shall include the expected date of admission and/or any other pertinent information regarding the customer's client's entry into the program; e.g., information about the disability, vocational and social history, educational background and medical and psychological information.
- c) Once a customer client is accepted for services and is involved in programming, both parties agree to notify one another of the termination of customer client services and/or sponsorship of services within five working days after of the effective date.

(Source: Amended at 23 Ill. Reg. 14658, effective DEC 13 1999)

Section 530.230 Program Outcomes

To be claimed as a successful outcome, the following criteria in the indicated categories must be met.

- a) To be considered to have achieved a successful outcome:
- 1) the individual must:
 - A) have a physical or mental disability which, for the individual, causes, or may cause, a substantial impediment to employment;
 - B) have an active IPE WWP and Individual Service Plan Program placement-plan; and
 - C) participate in at least one of the programs or services offered by the agency Program as evidenced by group billings submitted to DHS-ORS.
 - 2) these criteria must be met:
 - A) the employment outcome is consistent with the individual's abilities and interests;
 - B) the outcome meets the individual's needs in terms of income, security, opportunity for advancement and employment outcome;
 - C) the individual performs the job duties effectively and efficiently;
 - D) the employment and working conditions are not contraindicated based on the customer's client's disability; and the customer client will not jeopardize the health and safety of others while on the job site;
 - E) the employment is regular and reasonably permanent; and
 - F) a follow-up service plan has been developed and such

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

services will be provided to the individual as necessary to afford him/her the-client every opportunity to maintain employment. Follow-up must be maintained for a minimum of 90 60 days after placement and stabilization of the customer client on the work-site.

- b) DHS-ORS shall award a competitive outcome within an agency a-Program operated program when:
- 1) the customer client is making at least minimum wage;
 - 2) no other State or federal agency is funding the customer client as a sheltered employee (Section 530.130(a)(16)(C));
 - 3) a job description is in place which gives evidence the position is an agency staff position;
 - 4) the customer client receives the same benefits and privileges of employment as other agency employees; and
 - 5) the site is integrated; and -
 - 6) the customer has maintained employment for at least 90 calendar days.
- c) DHS-ORS shall award a successful Supported Employment outcome when the customer client has maintained job stability for a period of 90 60 days or more and extended services are being provided through a source other than DHS-ORS. Additionally Supported Employment is community integrated employment for individuals with severe disabilities for whom competitive employment has traditionally not occurred or has been interrupted as a result of a severe disability and:

- 1) severely disabled workers are employed in groups of eight or less; and
 - 2) the customer client is in need of, and is provided, on-going support services at a rate of at least 2 contacts per month.
- d) DHS-ORS shall award a successful placement in work services when the customer client:
- 1) is offered an average of at least 20 hours of paid work per week per pay period;
 - 2) earns at least 25% of the minimum prevailing wage for the locality in which the job is performed; and
 - 3) has maintained employment for at least 90 60 calendar days.

- e) Outcome Verification
- 1) Successful outcomes will be reported monthly by agencies Programs paid through Level of Funding or Base Plus Performance agreements and quarterly by Fee for Service agencies Programs.
 - 2) Successful outcomes are determined by the DHS-ORS counselor serving the particular customer client and are stated in the customer's IPE client's--WWP (89 Ill. Adm. Code 572). Verification depends upon the customer client achieving the employment outcome stated in his/her IPE WWP.
 - A) Multiple outcomes may be credited for the same customer client when the services provided by the agency Program are needed for the customer client to attain each employment goal, the outcome identified was included in the customer's 3

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

outcome value which will be paid to the agency **Program** for each verified successful outcome achieved. In addition, agencies **Programs** may be able to earn an additional percentage, up to the ceiling established by DHS-ORS, of the performance component amount for additional competitive outcomes.

- 4) Equal payments based on the entire contract will be made for the first 10 months. The 11th payment may be adjusted based on actual performance. The 12th and final payment will be based upon the total outcomes reported and verified. If the agency **Program** exceeds both competitive and total outcome goals, DHS-ORS will allow payment for additional competitive outcomes, depending on available funding. Payment for additional outcomes will be added to the 12th payment. All payments shall be based on each agency's **Program's** contract.

b) Level of Funding

- 1) Level of funding is an **an** arrangement whereby funds are set aside based upon the projected number of weeks of service that will be provided to DHS-ORS customers **clients** and successful outcomes. Contract dollars are earned through provision of services or the attainment of outcomes, whichever is higher. This type of contract provides no payments for performance over and above the levels specified in the contract.

- 2) Equal payments based on the entire contract will be made for the first 11 months. The final payment will be made without adjustment when the service or outcome levels reach 90%--of the projected levels. If service and successful outcome levels both fall below projected levels, the agency will be required to reimburse the Department for the percentage of service undelivered or outcome levels not reached. 90%--the--total contract--will-be--reconciled--at--the--higher--level--of--the--two--)

c) Cooperative Working Rate Agreement

- These are fee for service agreements that identify approved services and rates of payments. They require no contract and have no funding set aside or assured funding levels. The agency **Program** is paid only for services provided through individual authorization.

(Source: Amended at 23 Ill. Reg. 14663, effective DEC 13 1994)

Section 530.260 Fiscal and Administrative Standards

- a) Facilities shall keep the following records for a minimum of 5 years:
 - 1) copies of all forms and billings required by, and submitted to, DHS-ORS;
 - 2) records of customer **client** service hours kept by time clock, time cards or time sheets signed by the customer **client**;
 - 3) records of payments made to customers **clients** for lunches, transportation and/or maintenance when authorized by DHS-ORS.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

IPE **client's** **in** **the** **program** and the customer **client** is making progress toward **towards** a **an**--**integrated** competitive employment outcome.

- B) Two agencies **Programs** may be awarded one-half an outcome credit when the customer **client** has participated in approved programming of each agency **Program** and the services provided by each agency contributed toward **Program**--**were**--**contributory** to the achievement of the goal. No more than two agencies **Programs** may share an outcome.

- C) If the DHS-ORS counselor does not approve a successful outcome submitted by an agency **a**--**Program**, the counselor shall make written notice of the rejection to the agency within 45 days **Program**.

(Source: Amended at 23 Ill. Reg. 14663, effective DEC 13 1994)

Section 530.240 Designated Program Week

Services purchased by DHS-ORS on a full time weekly basis shall offer at least 25 hours of program time per week. For placement services, the program hours will relate to the customer's **individual's** needs and activities as outlined in the **individual's** customer's individualized Plan for Employment (IPE) **Written Rehabilitation Program (WRP)** (89 Ill. Adm. Code 572).

(Source: Amended at 23 Ill. Reg. 14663, effective DEC 13 1994)

Section 530.250 Types of Contracts

a) Base Plus Performance

- 1) This contract is a partial assurance arrangement which divides the total dollars into two funding components. The purpose is to develop a customer **an**--**individual**--**client** driven contract which allows the agency **Program** to provide the needed array of services.

- 2) The "Base" component provides the guarantee that between 30 and 70 percent of the total contract dollars for a designated minimum number of program slots available to DHS-ORS customers **clients** will be paid to the agency **Program**. Each contract will specify the base percentage guaranteed the agency **Program**, which is determined by the **agency** **Program** during annual contract negotiations.

- 3) The "Performance" component provides payment for outcomes attained. The number of agreed upon outcomes is determined through negotiations between DHS-ORS and the agency **Program**. The balance of the total contract not used in the base component is divided by the number of projected outcomes to identify an

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Such records must include a signed receipt or cancelled check for each payment; and

4) confidential case records as defined in Section 530.130.

b)

Monitoring/Review

- 1) A the DHS-ORS Program Advisor Regional--Facility/Supported Employment--Specialist shall review the service provisions specified in the agency's program's contract/agreement and successful placement reports monthly for each program in his/her Region. Monthly reports will be compiled into quarterly reports and submitted to DHS-ORS Central Office by the Program Advisor Regional-Facility/Supported-Employment-Specialist no later than 30 calendar days after the end of each quarter.

- 2) On-site reviews shall be conducted by the Program Advisor Regional--Facility/Supported-Employment-Specialist every 2 years for the purpose of determining if the essential components of the DHS-ORS contract are being carried out. A copy of the agency's Program's evaluation management report shall be sent to the Program Advisor Regional-Facility/Supported-Employment-Specialist annually.

- 3) The Bureau Division of Community Services will maintain statewide monitoring information on outcome and utilization levels, as well as expenditures made under cooperative working agreements with agencies' Programs. This information, along with input from the Program Advisor Regional-Community-Facility/Supported-Employment-Specialist, shall be used to identify agency program contracts which need revision.

(Source: Revised at 23 Ill. Reg. 14.603, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Accelerated Life Benefit/Terminal Illness/Qualified Conditions
- 2) Code Citation: 50 Ill. Adm. Code 1407
- 3) Section Number: Adopted Action:
1407.10 Amendment
1407.20 Amendment
1407.30 Amendment
1407.40 Amendment
1407.50 Amendment
1407.60 Renumbered, New
1407.70 Renumbered, Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Insurance Code [215 ILCS 5/4] (see P.A. 90-741, effective August 13, 1999).
- 5) Effective Date of Amendment: December 14, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 9, 1999, 23 Ill. Reg. 4156
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:
- a) In Section 1407.10 on the fifth line, restore "351A-1", delete "Art. XIXA", and add "through 351A-11".
- b) In Section 1407.60(a)(1) on the last line, add "(a) and (b) below" following "on".
- c) In Section 1407.60(a)(1)(A)(ii), delete "and".
- d) In Section 1407.60(a)(4), add "4" ahead of "The".
- e) In Section 1407.60(b)(2), change "lien(s)" to "liens".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

In the agreements issued by JCAR? No. The Department did not agree to make one nonsubstantive change in JCAR's Second Notice Changes document. Please see 11(b) above for the correct language change.

- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: These amendments will revise the definition of "Qualified Covered Condition" in Section 1407.20, pursuant to P.A. 90-741; the accelerated benefit is being changed from 23% to 75% of the face amount of the policy.
- The definition of "terminal illness" is also being revised to be consistent with the definition of "terminal illness" in Section 101(g)(4) of the United States Internal Revenue Code [26 USC 101(g)(4)].
- And finally, a new Section is being added to this Part that contains actuarial standards. The Department has added this Section and made other minor housekeeping changes to make our rule consistent with the current NAIC model on accelerated benefits.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Larry Gorski
Life Actuary
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-1794
(217) 785-7349

Betty Jo Teer
Insurance Analyst
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-7349

The full text of the adopted amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1407
ACCELERATED LIFE BENEFIT/TERMINAL ILLNESS/QUALIFIED CONDITIONS

Section	
1407.10	Purpose and Applicability
1407.20	Definitions
1407.30	Form Requirements
1407.40	Standards for Claims Payment
1407.50	Required Disclosure Provisions
1407.60	Actuarial Standards Reserves
1407.70	Actuarial Disclosure and Reserves

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Insurance Code [215 ILCS 5/4] (see P.A. 90-741, effective August 13, 1998).

SOURCE: Adopted at 15 Ill. Reg. 8872, effective June 7, 1991; amended at 22 Ill. Reg. 16462, effective September 1, 1998; amended at 23 Ill. Reg. 14088, effective DEC 14 1999.

Section 1407.10 Purpose and Applicability

The purpose of this Part is to regulate accelerated benefit provisions in individual and group life insurance policies, contracts, riders, endorsements or amendments and to provide required standards of disclosure. This Part is not applicable to long-term care ~~long-term-care~~ policies, contracts, riders, endorsements or amendments subject to the provisions of Article XIXa of the Illinois Insurance Code [215 ILCS 5/35a-1 through 35a-11] or to long-term care partnership policies subject to provisions of the Partnership for Long-Term Care Act [320 ILCS 35].

(Source: Amended at 23 Ill. Reg. 14688, effective DEC 14 1999)

Section 1407.20 Definitions

Accelerated Benefits means amounts payable in advance of the time life insurance benefits would otherwise be payable because of the occurrence of a terminal illness or a qualified covered condition.

Qualified Actuary means a person that meets the requirements of 50 Ill. Adm. Code 1408.40(b) 928.

Qualified Covered Condition means, but is not limited to, any one of the separate covered conditions as set forth in Section 4, Class 1(a)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Such records must include a signed receipt or cancelled check for each payment; and
- 4) confidential case records as defined in Section 530.130.
- b) Monitoring/Review

- 1) A the DHS-ORS Program Advisor Regional---Facility/Supported Employment---Specialist shall review the service provisions specified in the agency's program's contract/agreement and successful placement reports monthly for each program-in-his/her Region. Monthly reports will be compiled into quarterly reports and submitted to DHS-ORS Central Office by the Program Advisor Regional-Facility/Supported-Employment-Specialist no later than 30 calendar days after the end of each quarter.
- 2) On-site reviews shall be conducted by the Program Advisor Regional-Facility/Supported-Employment-Specialist every 2 years for the purpose of determining if the essential components of the DHS-ORS contract are being carried out. A copy of the agency's Program's evaluation management report shall be sent to the Program Advisor Regional-Facility/Supported-Employment-Specialist annually.
- 3) The Bureau Division of Community Services will maintain statewide monitoring information on outcome and utilization levels, as well as expenditures made under cooperative working agreements with agencies Programs. This information, along with input from the Program Advisor Regional-Community-Facility/Supported-Employment-Specialist, shall be used to identify agency program contracts which need revision.

(Source: Repealed at 23 Ill. Reg. 14.6.6.3, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Accelerated Life Benefit/Terminal Illness/Qualified Conditions
- 2) Code Citation: 50 Ill. Adm. Code 1407
- 3) Section Number: 1407.10
Amendment 1407.20
Amendment 1407.30
Amendment 1407.40
Amendment 1407.50
Renumbered, New 1407.60
Renumbered, Amendment 1407.70
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Insurance Code [215 ILCS 5/4] (see P.A. 90-741, effective August 13, 1999).
- 5) Effective Date of Amendment: December 14, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 9, 1999, 23 Ill. Reg. 4156
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:
- a) In Section 1407.10 on the fifth line, restore "351A-1", delete "Art. XIX", and add "through 351A-11".
- b) In Section 1407.60(a)(1) on the last line, add "(a) and (b) below" following "on".
- c) In Section 1407.60(a)(1)(A)(ii), delete "and".
- d) In Section 1407.60(a)(4), add "4" ahead of "The".
- e) In Section 1407.60(b)(2), change "lien(s)" to "liens".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

in the agreements issued by JCAR? No. The Department did not agree to make one nonsubstantive change in JCAR's Second Notice Changes document. Please see 11(b) above for the correct language change.

- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: These amendments will revise the definition of "Qualified Covered Condition" in Section 1407.20, pursuant to P.A. 90-741; the accelerated benefit is being changed from 25% to 75% of the face amount of the policy.
- The definition of "terminal illness" is also being revised to be consistent with the definition of "terminal illness" in Section 101(g)(4) of the United States Internal Revenue Code [26 USCS 101(g)(4)].
- And finally, a new Section is being added to this Part that contains actuarial standards. The Department has added this Section and made other minor housekeeping changes to make our rule consistent with the current NAIC model on accelerated benefits.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Larry Gorski
Life Actuary
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-1794
(217) 785-7349

Betty Jo Teer
Insurance Analyst
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-7349

The full text of the adopted amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1407

ACCELERATED LIFE BENEFIT/TERMINAL ILLNESS/QUALIFIED CONDITIONS

Section	
1407.10	Purpose and Applicability
1407.20	Definitions
1407.30	Form Requirements
1407.40	Standards for Claims Payment
1407.50	Required Disclosure Provisions
1407.60	Actuarial Standards
1407.70	Actuarial Disclosure and Reserves

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Insurance Code (215 ILCS 5/4) (see P.A. 90-741, effective August 13, 1998).

SOURCE: Adopted at 15 Ill. Reg. 8872, effective June 7, 1991; amended at 22 Ill. Reg. 16462, effective September 1, 1998; amended at 23 Ill. Reg. 14088, effective December 1, 1999.

14-088

Section 1407.10 Purpose and Applicability

The purpose of this Part is to regulate accelerated benefit provisions in individual and group life insurance policies, contracts, riders, endorsements or amendments and to provide required standards of disclosure. This Part is not applicable to long-term care long-term care policies, contracts, riders, endorsements or amendments subject to the provisions of Article XIXa of the Illinois Insurance Code [215 ILCS 5/351a-1 through 351a-11] or to long-term care partnership policies subject to provisions of the Partnership for Long-Term Care Act [320 ILCS 35].

(Source: Amended at 23 Ill. Reg. 14688, effective December 1, 1999.)

Section 1407.20 Definitions

Accelerated Benefits means amounts payable in advance of the time life insurance benefits would otherwise be payable because of the occurrence of a terminal illness or a qualified covered condition.

Qualified Actuary means a person that meets the requirements of 50 Ill. Adm. Code 1408.40(b) 920.

Qualified Covered Condition means, but is not limited to, any one of the separate covered conditions as set forth in Section 4, Class 1(a)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

of the Illinois Insurance Code [215 ILCS 5/4] the occurrence of which may result in the payment of an accelerated benefit of up to 75% 25% of the face amount of the policy.

Terminal illness means a medical condition which, in the opinion of a physician who is licensed to practice medicine in all of its branches, would generally result in the insured's death within a period not to exceed 24 months, or any condition which requires continuous confinement in an eligible institution as defined by the contract if the insured is expected to remain there until death.

(Source: Amended at 23 Ill. Reg. 14688, effective DEC 1 1999)

Section 1407.30 Form Requirements

No policies, contracts, riders, endorsements or amendments which provide for accelerated benefits may be issued for delivery in this State unless they meet the following requirements.

- a) General Standards and Practices
 - 1) The name given to the coverage must be descriptive of the coverage provided and the terminology "accelerated benefit" shall be included in the descriptive title. Products regulated under this Part shall not be described or marketed as long-term care insurance, or as providing long-term care benefits, or as long-term care partnership insurance.
 - 2) The death benefit net of any outstanding policy loans shall not be reduced more than the amount of the accelerated benefits and any applicable accrued interest, or any applicable actuarial present value discount appropriate to the policy design.
 - 3) The renewability and cost of any accelerated benefit life insurance policy must be guaranteed for the term of the policy or rider. This requirement will not apply to coverage in which the insurer pays the present value of the life insurance face amount based on an applicable actuarial discount. The requirements of this subsection are not applicable to group insurance.
 - 4) The insurer may pay a present value of the face amount of the calculation shall be based on any applicable actuarial discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:
 - A) the current yield on 90-day treasury bills; or
 - B) the current maximum policy loan interest rate.
- 5) The insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or interest rate methodology used in the calculation shall be based on sound

ILLINOIS REGISTER

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

actuarial principles and disclosed in the policy or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:

- A) the current yield on 90-day treasury bills; or
 - B) the current maximum policy loan interest rate.
- 6) The interest rate accrued on the portion of the item which is equal in amount to the cash value of the policy at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the policy.
- b) Filing Requirements
 - 1) All policy forms and certificate forms pertaining to an accelerated benefit shall be filed with the Department of Insurance for its review and approval pursuant to 50 Ill. Adm. Code 916 prior to their use in this State.
 - 2) If the filing is other than a policy or contract, the insurer shall provide the form number of the policy or contract form or forms with which the accelerated benefit filing is to be used.
 - 3) If a form provides for a reduction in policy values following payment of the accelerated benefit, the insurer shall provide the Department with an actuarial explanation of the policy value reductions and the remaining premium, if any.
 - 4) The insurer shall file with the Department the disclosure statements it will utilize to comply with Section 1407.50 of this Part.
 - 5) Concurrently with the accelerated benefit policy form filing required by this Section, the insurer shall file the actuarial memorandum required by Section 1407.70 of this Part prepared by a qualified actuary that describes the accelerated benefit, the risks, the expected costs, and the calculation of statutory reserves in compliance with applicable valuation and nonforfeiture law, 625 ILCS 5/223 and 229.21, the insurer shall maintain in its files descriptions of the bases and standards used to calculate its accelerated benefit provisions.
 - c) Effective Date of the Accelerated Benefits. The accelerated benefit provision shall be effective for accidents on the effective date of the policy or rider. The accelerated benefit provision shall be effective for illness no more than 30 days following the effective date of the policy or rider.
 - d) Waiver of Premiums. The insurer may offer a waiver of premium for the accelerated benefit provision in the absence of a regular waiver of premium provision being in effect. At the time the benefit is claimed, the insurer shall explain any continuing premium requirement to keep the policy in force.
 - e) Discrimination. An insurer shall not unfairly discriminate among insureds with differing qualifying events covered under the policy or among insureds with similar qualifying events covered under the policy. An insurer shall not apply further conditions on the payment of the accelerated benefits other than those conditions specified in

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

the policy or rider.

(Source: Amended at 23 Ill. Reg. **14688** - , effective July 1, 1999)

Section 1407.40 Standards for Claims Payment

a) Before payment of any benefits the insurer may require medical evidence of the terminal illness or qualified condition, including clinical, radiological, histological or laboratory evidence of the condition. Insurers shall evaluate the medical evidence and may order their own medical examinations.

b) Settlement options may include one or a combination of:

1) lump-sum payments;

2) payments of proceeds in installments;

3) Any other form of payment upon which the policyowner and the insurer may agree.

b) Prior to payment of the accelerated benefit, the insurer is required to obtain from an assignee or irrevocable beneficiary a signed acknowledgment of concurrence for payout. If the insurer making the accelerated benefit is itself the assignee under the policy, no acknowledgment is required. The policyowner or certificateholder and any irrevocable beneficiary must give their written consent to this accelerated transaction.

c) Lump Sum Settlement Option Required. Contract payment options shall include the option to take the benefit as a lump sum. The benefit shall not be made available as an annuity contingent upon the life of the insured.

d) Restrictions on Use of Proceeds. No restrictions are permitted on the use of the proceeds.

e) Accidental Death Benefit Provision. If any death benefit remains after payment of an accelerated benefit, the accidental death benefit provisions, if any, in the policy or rider shall not be affected by the payment of the accelerated benefit.

f) The insurer shall maintain in its files descriptions of the bases and procedures used to calculate benefits payable under these provisions. These descriptions shall be made available for examination by the Director upon request.

(Source: Amended at 23 Ill. Reg. **14688** ; effective _____)

Section 1407.50 Required Disclosure Provisions

Solicitations:

a) If there is a premium or cost of insurance charge assessed, the insurer shall give the applicant a generic illustration numerically demonstrating any the effect of the payment of the accelerated benefit

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens.

1) In the case of producer solicited insurance, the producer shall provide the illustration to the applicant prior to or concurrently with the application.

2) In the case of direct mail solicitations, the insurer shall provide the illustration to the applicant at the time the policy is delivered.

3) Information on the policy or certificate values shall be furnished by the company upon the request of the policyowner, policyowner or certificateholder certificateholder.

4) In the case of group insurance policies, the disclosure form shall be contained as part of the certificate of coverage or any related document furnished by the insurer for the certificateholder.

b) A written disclosure including, but not limited to, a brief description of the accelerated benefit and definitions of the conditions or occurrences triggering payment of the benefits and an explanation of any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens shall be provided the applicant in the following manner:

1) In the case of producer solicited insurance, the producer shall provide the disclosure form to the applicant prior to or concurrently with the application. Acknowledgment of the disclosure shall be signed by the applicant and the writing producer, if any.

2) In the case of direct mail solicitations, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a notice that a full premium refund shall be received made if the policy is returned to the insurer within 30 days after of the initial receipt of the policy by the applicant.

3) Information on the policy values shall be furnished by the company upon the request of the policyholder or certificateholder.

4) In the case of group insurance policies, the disclosure form shall be contained as part of the certificate of coverage or any related document furnished by the insurer for the certificateholder.

c) Tax Consequences. A disclosure statement is required at the time of application for the policy, rider or certificate and at the time the accelerated benefit payment request is submitted indicating that receipt of these accelerated benefits may be taxable, and assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

d) Effect of the Benefit Payment. When a policyowner or

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- certificateholder requests an acceleration, the insurer shall send a written statement to the policyowner or certificateholder and any irrevocable beneficiary which demonstrates any effect that the payment of the accelerated benefit will have on the policy's cash value, face value accumulation account, death benefit, premium, policy loans and policy liens. The statement shall disclose that receipt of accelerated benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefit or entitlements. In addition, receipt of an accelerated benefit payment may be taxable and assistance should be sought from a personal tax advisor. When a previous disclosure statement becomes invalid as a result of an acceleration of the death benefit, the insurer shall send a revised disclosure statement to the policyowner or certificateholder and irrevocable beneficiary. When the insurer agrees to accelerate death benefits, the insurer shall issue an amended schedule page to the policyholder or notify the certificateholder under a group policy to reflect any new reduced in-force face amount of the contract.
- e) Disclosure of Administrative Expense Charge. The insurer shall disclose to the policyowner any administrative expense charge. The insurer shall make a reasonable effort to assure that the certificateholder is aware of any administrative expense charge if the certificateholder is required to pay the charge. However, in no event shall the administrative expense charge exceed \$250.
- e) ~~When the insurer pays an accelerated benefit, it shall issue a new or amended schedule page to the policy to reflect any new or reduced in-force face amount of the policy.~~

(Source: Amended at 23 Ill. Reg. 1468, effective DEC 14 1999)

Section 1407.60 Actuarial Standards

a) Financing Options

- 1) The insurer may require a premium charge or cost of insurance charge for the accelerated benefit. In the case of group insurance, the additional cost may also be reflected in the experience rating. This premium charge or cost of insurance charge shall be based on (a) and (b) below:

A) Either:

- 1) The current yield on 90-day treasury bills; or
 2) The current maximum statutory adjustable policy loan interest rate.

B) The reasonable estimates of incidence rates.

- 2) The insurer may pay a present value of the face amount. The calculation shall be based on any applicable actuarial discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be reasonable and shall be disclosed in the contract or actuarial memorandum. The

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- maximum interest rate used shall be no greater than the greater of:
- A) The current yield on 90-day treasury bills; or
 B) The current maximum statutory adjustable policy loan interest rate.
- 3) The insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate of interest rate methodology used in the calculation shall be reasonable and shall be disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:
- A) The current yield on 90-day treasury bills; or
 B) The current maximum statutory adjustable policy loan interest rate.
- 4) The interest rate accrued on the portion of a lien described in subsection (b)(2) of this Section that is equal in amount to the cash value of the contract at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the contract.

b) Effect on Cash Value

- 1) Except as provided in subsection (b)(2) of this Section, when an accelerated benefit is payable, there shall be no more than a pro rata reduction in the cash value based on the percentage of death benefits accelerated to produce the accelerated benefit payment.

- 2) Alternatively, the payment of accelerated benefits, any administrative expense charges, any future premiums and any accrued interest can be considered a lien against the death benefit of the policy or rider. The access to the cash value may be restricted to any excess of the cash value over the sum of any other outstanding policy loans and liens. Future access to additional policy loans could also be limited to any excess of the cash value over the sum of the liens and any other outstanding policy loans.

- c) Effect of Any Outstanding Policy Loans on Accelerated Death Benefit Payment. When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans.

(Former Section 1407.60 renumbered to Section 1407.70 and new Section 1407.60 added at 23 Ill. Reg. 1468, effective DEC 14 1999)

Section 1407.70 Actuarial Disclosure and Reserves

- a) Actuarial Memorandum. Concurrently with the accelerated benefit policy form filing required by this Part, each insurer shall file with the Director an actuarial memorandum prepared by a qualified actuary

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

that describes the accelerated benefits, the risks, the expected costs and the calculation of statutory reserves.

b) When benefits are provided through the acceleration of benefits under group or individual policies or riders to such policies, policy reserves shall be determined in accordance with Section 223 of the Illinois Insurance Code [215 ILCS 5/223]. All valuation assumptions used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a qualified actuary. Reserves in the aggregate shall be sufficient to cover:

- 1) Policies upon which no claim has yet arisen; and
 - 2) Policies upon which an accelerated benefits claim has arisen.
- c) For policies and certificates which provide actuarially equivalent benefits, no additional reserves need to be established.
- d) Policy loans and policy loans, including accrued interest, represent assets of the company for statutory reporting purposes. For any policy on which the policy loan exceeds the policy's statutory reserve liability such excess must be held as a non-admitted asset.

(Source: Renumbered from Section 1407.60 and amended at 23 Ill. Reg.

14, 3, 8, effective 06/14/99)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Fees for Examination
- 2) Code Citation: 50 Ill. Adm. Code 2501
- 3) Section Number:
2501.10 Repealed
2501.20 Repealed
2501.30 Repealed
- 4) Statutory Authority: Implementing Sections 132, 401, 402 and 408 of the Illinois Insurance Code [215 ILCS 5/132, 401, 402 and 408] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Repealer: December 14, 1999
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 30, 1999, 23 Ill. Reg. 8583
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Difference between proposal and final version: No substantive changes have been made since First Notice Publication.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Department is repealing Part 2501 because it has been replaced by 50 Ill. Adm. Code 2505.90, Financial Examination Expenses and Fees.
- 16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

Chuck Felten
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 557-1396

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2008
- 3) Section Number: 2008.71
2008 APPENDIX B
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/363, 363a and 401).
- 5) Effective Date of Amendment: January 1, 2000
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 4, 1999, 23 Ill. Reg. 6731
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No changes have been made since First Notice publication.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Health Care Financing Administration (HCFA) has asked all states to incorporate changes regarding copayments for hospital outpatient department services. These changes were recently delineated to the states by HCFA in a memo dated January 7, 1999.

This amendment will clarify that copayments for hospital outpatient department services under Part B of Medicare must be covered under the "core benefits" of a Medicare supplement insurance policy in the same manner as coinsurance for those services. This amendment is, however,

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

related to changes in Medicare payment systems that will not take place until sometime in 2000 when HCFA establishes a prospective payment system for hospital outpatient services and procedures. This new system will establish fixed copayments, which will approach 20% of the cost of the services over time.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Fritz
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-7350

The full text of the adopted amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2008

MINIMUM STANDARDS FOR INDIVIDUAL
AND GROUP MEDICARE SUPPLEMENT INSURANCE

Section	Authority
2008.10	Purpose
2008.20	Applicability and Scope
2008.30	Definitions
2008.40	Creditable Coverage
2008.45	Policy Definitions and Terms
2008.50	Policy Provisions
2008.60	Benefit Conversion Requirements During Transition (Repealed)
2008.61	Minimum Benefit Standards for Policies or Certificates Issued for
2008.70	Delivery Prior to the Effective Date of this Part
2008.71	Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part
2008.72	Standard Medicare Supplement Benefit Plans
2008.73	Medicare Select Policies and Certificates
2008.74	Open Enrollment
2008.75	Guaranteed Issue for Eligible Persons
2008.76	Standards for Claims Payment
2008.80	Loss Ratio Standards and Refund or Credit of Premium
2008.81	Filing and Approval of Policies and Certificates and Premium Rates
2008.82	Permitted Compensation Arrangements
2008.90	Required Disclosure Provisions
2008.91	Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare
2008.100	Requirements for Application Forms and Replacement Coverage
2008.101	Standards for Marketing
2008.102	Appropriateness of Recommended Purchase and Excessive Insurance
2008.103	Reporting of Multiple Policies
2008.104	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.110	Sovereignty
2008.120	Effective Date (Repealed)
APPENDIX A	Policy Checklist
APPENDIX B	Outline of Medicare Supplement Coverage-Cover Page
APPENDIX C	Plan A
APPENDIX D	Plan B
APPENDIX E	Plan C
APPENDIX F	Plan D

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- APPENDIX G Plan E
- APPENDIX H Plan F or High Deductible Plan F*
- APPENDIX I Plan G
- APPENDIX J Plan H
- APPENDIX K Plan I
- APPENDIX L Plan J or High Deductible Plan J*
- APPENDIX M Notice to Applicant Regarding Replacement of Accident and Sickness Insurance
- APPENDIX N Medicare Supplement Refund Calculation Format
- APPENDIX O Notice of Medicare Changes
- APPENDIX P Medicare Supplement Policies Report
- APPENDIX Q Disclosure Statements

AUTHORITY: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/363, 363a and 401).

SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982 and January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendment at 13 Ill. Reg. 566, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at 14 Ill. Reg. 12433, effective November 27, 1990; amended at 16 Ill. Reg. 2766, effective February 11, 1992; corrected at 16 Ill. Reg. 3590; amended at 16 Ill. Reg. 15452, effective September 29, 1992; emergency amendment at 16 Ill. Reg. 19226, effective December 1, 1992, for a maximum of 150 days; emergency expired April 29, 1993; amended at 17 Ill. Reg. 11469, effective July 9, 1993; amended at 20 Ill. Reg. 6393, effective April 28, 1996; amended at 23 Ill. Reg. 3704, effective March 10, 1999; amended at 23 Ill. Reg. 14700, effective JAN 1 2000.

Section 0808.71 Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State on or after the effective date of this Part. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it complies with these benefit standards.

- a) General Standards
 - The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.
 - 1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than ~~xxx~~+t 64 months from the effective date of coverage because the losses involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within ~~xxx~~+t 64 months before the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- effective date of coverage.
- 2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.
- 3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.
- 4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.
- 5) Each Medicare supplement policy shall be guaranteed renewable and:

- A) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual;
- B) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation;
- C) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 2008.71(a)(5)(E), the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):
 - i) Provides for continuation of the benefits contained in the group policy; or
 - ii) Provides for such benefits as otherwise meet the requirements of this subsection;
- D) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:
 - i) Offer the certificateholder the conversion opportunity described in Section 2008.71(a)(5)(C), or
 - ii) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy; and
- E) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.
- 6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

- 7) A Medicare supplement policy or certificate shall provide:
 - A) That benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed **twenty-four** + 244 months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within **ninety**-t 90+ days after the date the individual becomes entitled to such assistance.
 - B) If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, such policy or certificate shall be automatically reinstituted (effective as of the date of termination of such entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within **ninety**-t 90+ days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.
 - C) Reinstatement of such coverages:
 - i) Shall not provide for any waiting period with respect to treatment of preexisting conditions;
 - ii) Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and
 - iii) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.
- b) Standards for Basic ("Core") Benefits Common to All Benefit Plans

Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance benefit plans in addition to the basic "core" package, but not in lieu thereof.

 - 1) Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the first day through the 90th day in any Medicare benefit period;
 - 2) Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 3) Medicare lifetime inpatient reserve day used; Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the Diagnostic Related Group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days;
- 4) Coverage under Medicare Parts A and B for the reasonable cost of the first **three**-t 3+ pints of blood (or equivalent quantities) packed red blood cells, as defined under federal regulations; unless replaced in accordance with federal regulations;
- 5) Coverage for the concourse amount for in the case of hospital outpatient department services under a prospective payment system, the copayment amount of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.
- c) Standards for Additional Benefits

The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 208.72 of this Part.

 - 1) Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.
 - 2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the concourse amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.
 - 3) Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.
 - 4) Eighty Percent +80% of the Medicare Part B Excess Charges: Coverage for **eighty**-Percent-t 80+ of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.
 - 5) One Hundred Percent +100% of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.
 - 6) Basic Outpatient Prescription Drug Benefit: Coverage for **fifty** Percent-t 50+ of outpatient prescription drug charges, after a **two-hundred-fifty-dollar**-t \$250+ calendar year deductible, to a maximum of **one-thousand-two-hundred-fifty-dollars**-t \$1,250+ in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 - 7) Extended Outpatient Prescription Drug Benefit: Coverage for **fifty**-Percent-t 50+ of outpatient prescription drug charges, after a **two-hundred-fifty-dollar**-t \$250+ calendar year deductible to the extent not covered by Medicare.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

to a maximum of ~~three-thousand-dollars--t~~ \$3,000+ in benefits received by the insured per calendar year, to the extent not covered by Medicare.

- b) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for ~~eighty-percent-t 80+~~ of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first ~~sixty--t 60~~ consecutive days of each trip outside the United States, subject to a calendar year deductible of ~~two-hundred-fifty-dollars--t~~ \$250, and a lifetime maximum benefit of ~~fifty--thousand-dollars--t~~ \$50,000+. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or illness of sudden and unexpected onset.

- 9) Preventive Medical Care Benefit: Coverage for the following preventive health services:

- A) An annual clinical preventive medical history and physical examination that may include tests and services from subsection (c)(5)(B) below and patient education to address preventive health care measures.

- B) Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

- i) Fecal occult blood test and/or digital rectal examination;
- ii) Mammogram;
- iii) Dipstick urinalysis for hematuria, bacteriuria and proteinuria;
- iv) Pure tone (air only) hearing screening test, administered or ordered by a physician;
- v) Serum cholesterol screening (every ~~five-t 5~~ years);
- vi) Thyroid function test;
- vii) Diabetes screening.

- C) Influenza vaccine administered at any appropriate time during the year and Tetanus and Diphtheria booster (every ~~ten-t 10~~ years).

- D) Any other tests or preventive measures determined appropriate by the attending physician.

- E) Reimbursement shall be for the actual charges up to ~~one hundred-percent-t 100+~~ of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of ~~one hundred-twenty-dollars--t~~ \$120+ annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

A) For purposes of this benefit, the following definitions shall apply:

- i) "Activities of daily living" include but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

- ii) "Care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

- iii) "Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

- iv) "At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive 4 hours in a 24-hour period of services provided by a care provider is one visit.

- B) Coverage Requirements and Limitations

- i) At-home recovery services provided must be primarily services which assist in activities of daily living.

- ii) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

- iii) Coverage is limited to:

No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment.

The actual charges for each visit up to a maximum reimbursement of ~~forty-dollars--t~~ \$40+ per visit.

~~One--thousand--six--hundred--dollars--t~~ \$1,600+ per calendar year.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Seven-~~7~~ visits in any one week.

Care furnished on a visiting basis in the insured's home.

Services provided by a care provider as defined in this Section.

At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than ~~eight~~-8 weeks after the service date of the last Medicare approved home health care visit.

C) Coverage is excluded for:

- i) Home care visits paid for by Medicare or other government programs; and
- ii) Care provided by family members, unpaid volunteers or providers who are not care providers.

11) New or Innovative Benefits: An issuer may, with the prior approval of the Director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

(Source: Amended Reg. 111.14700 at 23 Ill. Reg. 14700, effective)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 200B, APPENDIX B Outline of Medicare Supplement Coverage - Cover Page

[COMPANY NAME]

Outline of Medicare Supplement Coverage - Cover Page:
Benefit Plan(s) (insert letter(s) of plan(s) being offered)

Medicare supplement insurance can be sold in only ten standard plans plus two high deductible plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in Illinois.

BASIC BENEFITS: Included in All Plans.

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (20% of Medicare-approved expenses), or in the case of hospital outpatient department services under a prospective payment system, applicable copayments.

Blood: First three pints of blood each year.

A	B	C	D	E
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Coinsurance	Skilled Nursing Coinsurance	Skilled Nursing Coinsurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible		
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At Home Recovery	
				Preventive Care

(continued)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear above. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

F	F*	G	H	I	J	J'
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance
Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible
Part B Excess (100%)	Part B Excess (80%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)
Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
At-Home Recovery	At-Home Recovery	At-Home Recovery	At-Home Recovery	At-Home Recovery	At-Home Recovery	At-Home Recovery
Basic Drugs	Basic Drugs	Basic Drugs	Basic Drugs	Basic Drugs	Basic Drugs	Basic Drugs
Extended Drugs	Extended Drugs	Extended Drugs	Extended Drugs	Extended Drugs	Extended Drugs	Extended Drugs
Preventive Care	Preventive Care	Preventive Care	Preventive Care	Preventive Care	Preventive Care	Preventive Care

Plans F and J also have an option called a high deductible plan F and a high deductible plan J*. These high deductible plans pay the same or offer the same benefits as Plans F and J after one has paid a calendar year [\$1500] deductible. Benefits from high deductible plans F and J will not begin until out-of-pocket expenses are [\$1500]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but does not include, in plan J, the plan's separate prescription drug deductible or, in Plans F and J, the plan's separate foreign travel emergency deductible.

NOTE:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY

This is only an outline, describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

(for producers:)

Neither (insert company's name) nor its agents are connected with Medicare.

(for direct response:)

(insert company's name) is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claim if you leave out or falsify important medical information. [If the policy or certificate is

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

guaranteed issue, this paragraph need not appear.)

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified on the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in Appendices C through I of this Part. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this Appendix. An issuer may use additional benefit plan designations on these charts pursuant to Section 208.72(d) of this Part.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the Director of Insurance.]

(Source: Amended _____ at 23 Ill. Reg. **14700**, effective **JAN 01 2000**.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: PRIMARY DRINKING WATER STANDARDS2) Code citation: 35 Ill. Adm. Code 6113) Section Number: Proposed Action:
611.101 Amended4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.5) Effective date of amendments: December 8, 19996) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 611 and Section 611.101 include incorporations by reference, the present amendments do not add new incorporations or amend existing ones.

8) The adopted amendments, a copy of the Board's opinion and order adopted December 2, 1999, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: October 8, 1999, 23 Ill. Reg. 12160

10) Has JCAR issued a Statement of Objections to these rules? No. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version: The following table summarizes the differences between the docket R00-8 amendments proposed by the Board in an opinion and order dated September 23, 1999 and the amendments adopted in an opinion and order dated December 2, 1999. Many of the differences are explained in greater detail in the Board's opinion and order of December 2, 1999, in docket R00-8, adopting the amendments.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Revisions to the Text of the Proposed Amendments in Final Adoption

Section Revised	Source(s) of Revision(s)	Revision(s)
611.table of contents	Board	Added a colon to the heading for Subpart R
611.authority note	Board	Added a reference to Section 7.2 of the Act
611.101 "halocacetic acids (five)"	Board	Placed the alternative defined abbreviation "HAM5" in quotation marks
611.101 "maximum total trihalomethane potential"	Board	Changed the defined term to lowercase
611.101 "mg"	Board	Changed "1/1000th" to "1/1000"
611.101 "public water system" Board Note	Board	Changed "this Subpart F" to "Subpart F"
611.101 "trihalomethane"	Board	Added "the following compounds" before the colon
12)	Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?	Section 17.5 of the Administrative Procedure Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
13)	Will these amendments replace emergency amendments currently in effect?	No
14)	Are there any other amendments pending on this Part?	No
15)	<u>Summary and purpose of amendments:</u> A more detailed description is contained in the Board's opinion and order of December 2, 1999, adopting amendments in docket R00-8, which opinion and order is available from the addresses below. Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.	

The R00-8 proceeding addresses a discrepancy found between federal rules

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and the amendments adopted in In. re: SDWA Update, USEPA Regulations (January 1, 1998, through June 30, 1998) (February 4, 1999), R99-6. The Illinois Environmental Protection Agency (IEPA) brought the discrepancy to the Board's attention. The IEPA requested that the Board take action as soon as possible, in order to facilitate state primacy review of the amended text by USEPA.

USEPA amended the 40 C.F.R. 141.2 definition of "public water system" on April 28, 1998, at 63 Fed. Reg. 23362, 23366 (April 28, 1998). USEPA changed a segment of the definition that formerly read "a system for the provision of piped water to the public for human consumption..." to read "a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances...." The definition of "public water system" at 35 Ill. Adm. Code 611.101 is the Illinois counterpart to the amended federal definition. This state definition is intended to be identical in substance to the corresponding federal definition.

In In. re: SDWA Update, USEPA Regulations (January 1, 1998, through June 30, 1998) (February 4, 1999), R99-6, the Board sought to incorporate the federal amendments of April 28, 1998, using the identical in substance procedure of Sections 7.2 and 17.5 of the Act. The Board added the language relating to "other constructed conveyances," dropping the past effective date, August 5, 1998. In incorporating the federal text into the Illinois rules, however, we neglected to remove the word "piped" and add the words "through pipes" in the appropriate place.

In response to the IEPA request, and to enhance the clarity of the regulatory text, the Board has amended the definition of "public water system." The Board adopted the "through pipes" language of the corresponding federal definition. The Board also responded to a second IEPA request with a second clarifying amendment to this definition; we added to the Board note appended to the definition of "public water system" a statement that this term is synonymous to "public water supply," which is also used in the regulations.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 2, 1999, in docket R00-8, from Patricia Jones, at 312-814-3620.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE F: PUBLIC WATER SUPPLIES
 CHAPTER 1: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
611.100	Definitions
611.101	Incorporations by Reference
611.102	Severability
611.103	Agency Inspection of PWS Facilities
611.107	Delegation to Local Government
611.108	Enforcement
611.109	Special Exception Permits
611.110	Relief Equivalent to SDWA Section 1415(a) Variances
611.111	Relief Equivalent to SDWA Section 1416 Exemptions
611.112	Alternative Treatment Techniques
611.113	Siting Requirements
611.114	Source Water Quantity
611.115	Effective Dates
611.120	Maximum Contaminant Levels and Finished Water Quality
611.121	Fluoridation Requirement
611.125	Prohibition on Use of Lead
611.126	Special Requirements for Certain Variances and Adjusted Standards
611.130	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.131	Composite Correction Program
611.160	

SUBPART B: FILTRATION AND DISINFECTION

Section	Requiring a Demonstration
611.201	Procedures for Agency Determinations
611.202	Filtration Required
611.212	Groundwater under Direct Influence of Surface Water
611.213	No Method of HPC Analysis
611.214	General Requirements
611.220	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-specific Conditions
611.233	Treatment Technique Violations
611.234	Disinfection
611.241	Unfiltered PWS
611.242	Filtered PWS
611.250	Filtration

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Unfiltered PWS: Reporting and Recordkeeping
 Filtered PWS: Reporting and Recordkeeping
 Protection during Repair Work
 Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	Point-of-Entry Devices
611.280	Use of Point-of-Use Devices or Bottled Water
611.290	

SUBPART D: TREATMENT TECHNIQUES

Section	General Requirements
611.295	Acrylamide and Epichlorohydrin
611.296	Corrosion Control
611.297	

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section	Old MCLs for Inorganic Chemicals
611.300	Revised MCLs for Inorganic Chemicals
611.301	Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
611.310	Revised MCLs for Organic Contaminants
611.311	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.312	Maximum Residual Disinfectant Levels (MRDLs)
611.313	Turbidity
611.320	Microbiological Contaminants
611.325	Radium and Gross Alpha Particle Activity
611.330	Beta Particle and Photon Radioactivity
611.331	

SUBPART G: LEAD AND COPPER

Section	General Requirements
611.350	Applicability of Corrosion Control
611.351	Corrosion Control Treatment
611.352	Source Water Treatment
611.353	Lead Service Line Replacement
611.354	Public Education and Supplemental Monitoring
611.355	Tap Water Monitoring for Lead and Copper
611.356	Monitoring for Water Quality Parameters
611.357	Monitoring for Lead and Copper in Source Water
611.358	Analytical Methods
611.359	Reporting
611.360	Recordkeeping
611.361	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART J: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND
DISINFECTION BYPRODUCT PRECURSORS

Section

611.380 General Requirements
611.381 Analytical Requirements
611.382 Monitoring Requirements
611.383 Compliance Requirements
611.384 Reporting and Recordkeeping Requirements
611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.480 Alternative Analytical Techniques
611.480 Certified Laboratories
611.491 Laboratory Testing Equipment
611.500 Consecutive PWS
611.510 Special Monitoring for Unregulated Contaminants

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.521 Routine Coliform Monitoring
611.522 Repeat Coliform Monitoring
611.523 Invalidation of Total Coliform Samples
611.524 Sanitary Surveys
611.525 Fecal Coliform and E. Coli Testing
611.526 Analytical Methodology
611.527 Response to Violation
611.531 Analytical Requirements
611.532 Unfiltered PWS
611.533 Filtered PWS

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.591 Violation of State MCL
611.592 Frequency of State Monitoring
611.600 Applicability
611.601 Monitoring Frequency
611.602 Asbestos Monitoring Frequency

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.603 Inorganic Monitoring Frequency
611.604 Nitrate Monitoring
611.605 Nitrite Monitoring
611.606 Confirmation Samples
611.607 More Frequent Monitoring and Confirmation Sampling
611.608 Additional Optional Monitoring
611.609 Determining Compliance
611.610 Inorganic Monitoring Times
611.611 Inorganic Analysis
611.612 Monitoring Requirements for Old Inorganic MCLs
611.630 Special Monitoring for Sodium
611.631 Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.640 Definitions
611.641 Old MCLs
611.645 Analytical Methods for Organic Chemical Contaminants
611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650 Monitoring for 36 Contaminants (Repealed)
611.657 Analytical Methods for 36 Contaminants (Repealed)
611.658 Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.680 Sampling, Analytical and other Requirements
611.683 Reduced Monitoring Frequency
611.684 Averaging
611.685 Analytical Methods
611.686 Modification to System
611.687 Sampling for THM Potential
611.688 Applicability Dates

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.720 Analytical Methods
611.731 Gross Alpha
611.732 Manmade Radioactivity

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section

611.740 General Requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.741	Standards for Avoiding Filtration
611.742	Disinfection Profiling and Benchmarking
611.743	Filtration
611.744	Filtration Sampling Requirements
611.745	Reporting and Recordkeeping Requirements

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section	Applicability
611.830	Monthly Operating Report
611.831	Notice by Agency
611.832	Cross Connection Reporting
611.833	Reporting
611.851	Reporting MCL, MROD, and other Violations
611.852	Reporting other Violations
611.853	Notice to New Billing Units
611.854	General Content of Public Notice
611.855	Mandatory Health Effects Language
611.856	Fluoride Notice
611.858	Fluoride Secondary Standard
611.860	Record Maintenance
611.870	List of 36 Contaminants

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section	Purpose and Applicability of this Subpart
611.881	Compliance Dates
611.882	Compliance Reports
611.883	Required Additional Health Information
611.885	Report Delivery and Recordkeeping
APPENDIX A	Mandatory Health Effects Information
APPENDIX B	Percent Inactivation of G. Lamblia Cysts
APPENDIX C	Common Names of Organic Chemicals
APPENDIX D	Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
APPENDIX E	Mandatory Lead Public Education Information
APPENDIX F	Converting Maximum Contaminant Level (MCL) Compliance Values for Consumer Confidence Reports
APPENDIX G	Regulated Contaminants
APPENDIX H	Health Effects Language
TABLE A	Total Coliform Monitoring Frequency
TABLE B	Fecal or Total Coliform Density Measurements
TABLE C	Frequency of RDC Measurement
TABLE D	Number of Lead and Copper Monitoring Sites
TABLE E	Lead and Copper Monitoring Start Dates

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TABLE F	Number of Water Quality Parameter Sampling Sites
TABLE G	Summary of Monitoring Requirements for Water Quality Parameters(1)
TABLE Z	Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective DEC 08 1999.

NOTE: In the chemical notations and footnotes in this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and u (in ug) is substituted for the Greek symbol mu.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.
 BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Ai" means "inactivation ratio".

"Approved source of bottled water", for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (1998). The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], and the Deep Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 119), the federal Good Manufacturing Practices for human foods (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1453, et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Board" means the Illinois Pollution Control Board.

"CAS No." means "Chemical Abstracts Services Number".

"CT" or "CT(Calc)" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectant at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT(99.9)".)

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"CT(99.9)" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT(99.9) for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611 Appendix B. (See "Inactivation Ratio".)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (1998). "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Comprehensive performance evaluation" or "CPE" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

resulting in substantial particulate removal.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured, and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfection Byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromochloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

"Disinfection profile" is a summary of daily Giardia lamblia inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Enhanced softening" means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1, 1996.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Inorganic contaminants" or "IOCs" refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) (1998).

"l" means "liter".

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum contaminant level goal" ("MCLG") means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act.

"Maximum residual disinfectant level" or "MRDL" means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum residual disinfectant level goal" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum total trihalomethane potential ~~total trihalomethane potential~~" or "MTHMP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above. BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"MFL" means millions of fibers per liter larger than 10 micrometers. BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (1998).

"mg" means milligrams (1/1000th of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998).

"MUG" means 4-methyl-umbelliferyl-beta-D-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"nm" means nanometer (1/1,000,000,000 of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water system" (TWS) or a "non-transient non-community water system" (NTNCWS).

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Paired sample" means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis. BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Person" means an individual, corporation, company, association, partnership, State, unit of local government, municipality or federal agency.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Phase V" refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pci" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Public Health" means the Illinois Department of Public Health. BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs"), including non-transient, non-community water supplies ("NTNCSs") and transient non-community water supplies ("transient non-CWSs"). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). Where used in Subpart F, "public water supply" means the same as "public water system."

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Radioactive contaminants" refers to that group of contaminants designated "radioactive contaminants" in USEPA regulatory discussions and guidance documents. "Radioactive contaminants" include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (1998). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U when they are detected above the levels indicated in Section 611.720(c)(3).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (1998).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). See sections 1401.4(B)(1)(II) and (4)(B)(1)(III) of SDWA (42 USC 300f(4)(B)(1)(II) and (4)(B)(1)(III)(1996)).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs," or "synthetic organic chemicals" or "synthetic organic contaminants", in USEPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

sulfone, aldicarb sulfide, atrazine, benzo(a)pyrene, carbosulfan, chlordane, dalapon, dibromomethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endosulfan, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SRP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SRP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 (1998) and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Subpart B system" means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and which is subject to the requirements of Subpart B and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, 611 Appendix B, and 611 Appendix C of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm) which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV254) (in m(-1)) by its concentration of dissolved organic carbon (in mg/L).

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Total Organic Carbon" ("TOC") means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (1998). (See the definition of THMs for a listing of the four compounds that USEPA considers TTHMs to comprise.)

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28]). The Department of Public Health regulates transient non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this Section. "Treatment" includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are the following compounds:

Trichloromethane (chloroform),
Dibromochloromethane,
Bromodichloromethane, and
Trihalomethane (bromoform)

BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (1998).

"ug" means micrograms (1/1,000,000 of a gram).

"USEPA" or "U.S. EPA" means the U.S. Environmental Protection Agency.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility that is open to the atmosphere and which is used to store water that will undergo no further treatment except residual disinfection.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs", "volatile organic chemicals", or "volatile organic contaminants" in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) (1998). The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act, and 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 23 Ill. Reg. 14715, effective 08/08/99)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Freedom of Information Code

2) Code Citation: 2 Ill. Adm. Code 1126

3) Section Numbers: Adopted Action:

1126.10 Amended
1126.20 Amended
1126.110 Amended
1126.200 Amended
1126.210 Amended
1126.300 Amended
1126.300 Amended
1126.310 Amended
1126.410 Amended

4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

5) Effective Date of Amendments: January 1, 2000

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain Incorporations by Reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

11) Difference Between Proposal and Final Version: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: The rulemaking makes changes to update and clarify request procedures.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Paul Thompson, Staff Attorney
Department of Public Health, Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XVIII: DEPARTMENT OF PUBLIC HEALTH

PART 1126
FREEDOM OF INFORMATION CODE
SUBPART A: INTRODUCTION

Section
1126.10 Summary and Purpose
1126.20 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Person to Whom Requests are Submitted
Form and Content of Requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Timeline for Department Response
Types of Department Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
1126.300 Appeal of a Denial
1126.310 Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
1126.400 Inspection of Records at Department Offices
1126.410 Copies of Public Records
1126.420 General Materials Available from the Freedom of Information Officer

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 12349, effective July 1, 1984; amended at 13 Ill. Reg. 19961, effective December 7, 1989; amended at 23 Ill. Reg. _____, effective January 1, 2000.

SUBPART A: INTRODUCTION

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 1126.10 Summary and Purpose

- a) This Part has been established to implement the provisions of the Freedom of Information Act [5 ILCS 140] ~~which--Rev--Stat--1987--ch--1167--par--201--et--seq--7~~. The purpose of this Part is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part creates a procedure by which the public may request and obtain public records.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

Section 1126.20 Definitions

- a) "Department" means the Illinois Department of Public Health.
- b) "Director" means the Director of the Illinois Department of Public Health.
- "FOI" means Freedom of Information.
- c) "FOIA" means the Freedom of Information Act, 5 ILCS 140.
- d) "Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.
- e) "Requestor" means a person who submits a request for public records according to this Part ~~in accordance with these rules~~.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1126.110 Form and Content of Requests

- a) Requests according to ~~in accordance with~~ the FOIA and this Part shall be made in writing. ~~The~~ Such requests may be submitted on FOIA request forms provided by the Department.
- b) Oral requests will be handled expeditiously. ~~The~~ However, ~~the~~ required response times and the appeal procedures contained in the FOIA and this Part, however, do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:
 - 1) The requestor's full name, address, and telephone phone number.
 - 2) A brief description of the public records sought, being as specific as possible.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Whether the request is for inspection of public records, copies of public records, or both.
- 4) Whether the requestor wants copies of public records "Certified". The FOI Officer shall provide the appropriate FOI Certification, when requested.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section 1126.200 Timeline for Department Response

- a) The Department shall respond to a written request for public records within 7 working days after the receipt of the such request.
- b) The Department may give notice of an extension of time to respond which extension does not exceed an additional 7 working days. The Such-an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of the FOIA. The Such notice of extension shall state the reasons the extension is necessary.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

Section 1126.210 Types of Department Responses

- a) The Department shall respond to a request for public records in one of 5 five ways:
 - 1) Approve the request.
 - 2) Approve the request in part and deny the request in part.
 - 3) In the case of a request that places an "undue burden" on the Department, give the requestor the opportunity to scale the request down to the extent that the request no longer constitutes an undue burden.
 - 4) Deny the request.
 - 5) Refer the request to a different agency.
- b) Upon approval of a request for public records, the Department may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial under in-accordance-with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Director of the Department.
- d) Categorical requests creating an undue burden upon the Department shall be denied only after extending to the requestor an opportunity to narrow the request to manageable proportions under in-accordance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- e) with Section 3(f) of the FOIA.
- f) Failure by the Department to respond to a written request within 7 ~~seven--77~~ working days shall be considered by the Requestor to be a denial of the request unless the Requestor is otherwise notified. The Such-a denial may be appealed to the Director according to in accordance-with Section 1126.300.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1126.300 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Director of Public Health ~~the Department~~. The notice of appeal shall be made in writing and sent to:

Director
Illinois Department of Public Health
535 West Jefferson Street
Springfield, Illinois 62761

ATTN: FOIA Appeal
- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

Section 1126.310 Director's Response to Appeal

The Director shall respond to an appeal within 7 working days after receiving notice of the appeal ~~thereof~~. The Director shall either affirm the denial or uphold the appeal. Failure to respond within 7 working days shall be considered by the requestor an affirmation of the denial unless otherwise notified.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1126.410 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that which are due. If payment is not received within 60 days after the Department has notified the requestor of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

charges, the Department shall consider the request withdrawn.
 b) Charges for copies of public records shall be assessed according to in accordance with the following fee schedule:

- 1) Paper copy from 8 1/2" x 14" (or smaller) paper original
 - A) 19 pages or fewer -- No fee, except that multiple requests received on the same day from the same person for a total of more than 19 pages will be treated as one request under subsection (b)(1)(B).
 - B) 20 pages or more -- 75 cents per page (includes all pages to be copied).
- 2) Paper copy from paper original of a size greater than 8 1/2" x 14" (including photo copies of computer print-outs - 50 cents ϕ per page.
- 3) Computer reports (a new report printed out) - 10 cents ϕ per page.

c) Charges may be waived if:

- 1) the requestor is a State agency;
- 2) the requestor is an agency of the federal, county, township, city or other governmental body;
- 3) the requestor is a constitutional officer or a member of the General Assembly or United States Congress, or a staffer in staff of a constitutional officer or member of the General Assembly or United States Congress;
- 4) the requestor is a not-for-profit organization;
- 5) the requestor is the news media;
- 6) the requestor states the specific purpose of the request and indicates that a waiver of the fee is in the public interest. Waiver of a fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit according to in accordance with Section 6(b) of the FOIA as amended by P.A. 85-1357, effective January 1, 1989; or
- 7) Charges may be waived in any other case, where the Freedom of Information Officer determines that the waiver serves the public interest.

(Source: Amended at 23 Ill. Reg. 14741, effective January 1, 2000)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers: Adopted Action: Amendment 440.50
- 4) Statutory Authority: 35 ILCS 130
- 5) Effective Date of Amendment: December 8, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 13, 1999, 23 Ill. Reg. 8958
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: P.A. 91-0246 was signed into law and became effective July 22, 1999. That legislation requires that no revenue tax stamps or imprints may be affixed to a cigarette package unless the package complies with the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following. It also provides that no revenue tax stamps may be affixed to a package of cigarettes, cigarette papers, wrappers, or tubes if the package has been marked for export outside the United States with a label or notice in compliance with Title 27, Section 290.195 of the Code of Federal Regulations. Violators of the provisions shall have their distributor license revoked under the authority of Section 6 of the Cigarette Tax Act. The Department interprets the statute to allow distributors and retailers to turn over their inventories of pre-stamped

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

cigarettes without violating the law. Based upon normal inventory turn over times provided by the Illinois Tobacco and Candy Distributors Association, the Department is creating, by rule, a rebuttable presumption that after August 15, 1999, all improperly stamped cigarettes in the possession of a distributor were stamped in violation of the Act and, after September 1, 1999, all improperly stamped cigarettes found in the possession of a retailer were stamped, by the distributor from whom obtained, in violation of the law.

16) Information and questions regarding this adopted amendment shall be directed to:

Martha Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
103 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 440
CIGARETTE TAX ACT

Section	Nature and Rate of Tax
440.10	Tax--How Paid
440.20	Tax--Who Liable For
440.30	Design
440.40	Tax Stamps--When and By Whom Affixed: License or Permit Required
440.50	Tax Stamps--How Affixed
440.60	Tax Stamps--Affixed Out of State
440.70	Transporter Permits
440.80	Tax Stamps--Purchase of: Cost: Discount
440.90	Returns Required: When Filed
440.100	Books and Records: Examination: Preservation
440.110	Unused Stamps and Meter Units: Sale of: Notice to Department
440.120	Mutilated Stamps
440.130	Tax Meters (Repealed)
440.140	Tax Meter Machine Settings (Repealed)
440.150	Vending Machines
440.160	Sales Out of Illinois
440.170	Sales to Governmental Bodies
440.180	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax
440.190	Payment Affixed
440.200	Claim for Replacement
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834 effective March 3, 1982, codified at 8 Ill. Reg. 1791.2; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1995, for a maximum of 0.86995 days; amended at 23 Ill. Reg. 14748, effective

Section 440.50 Tax Stamps--When and By Whom Affixed: License or Permit Required

- a) The Department, or any person authorized by the Department, will sell tax stamps only to licensed distributors. It shall be unlawful for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

any person to engage in the business as a distributor of cigarettes in this State without first having obtained a license or permit therefor from the Department. Application for a distributor's license shall be made to the Department in form as furnished and prescribed by the said Department and shall be accompanied by a joint and several bond in the amount of \$2,500.00. Except when the applicant is the manufacturer, no distributor's license shall be issued to an applicant unless he presents the Department with satisfactory proof in writing that he will be able to buy cigarettes directly from at least 3 major cigarette manufacturers. Each licensed place of business shall be covered by a separate license.

b) The annual license fee payable to the Department for each distributor's license shall be \$250.00. The purpose of such annual license fee is to defray the cost, to the Department, of coding, serializing or coding and serializing cigarette tax stamps. Each applicant for license shall pay such fee to the Department at the time of submitting his application for license to the Department.

c) All licenses issued by the Department under the Cigarette Tax Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in the Act provided.

d) The Department may, in its discretion, upon application, issue permits authorizing the payment of the tax imposed by the Act by out-of-State cigarette manufacturers who are not required to be licensed as distributors of cigarettes in this State, but who elect to qualify under the Act as distributors of cigarettes in this State, and who, to the satisfaction of the Department, furnish adequate security to insure payment of the tax, provided that any such permit shall extend only to cigarettes which such permittee-manufacturer places in original packages that are contained inside a sealed transparent wrapper.

e) All permits issued by the Department under the Cigarette Tax Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in the Act provided.

f) The following are ineligible to receive a distributor's license or permit under this Act:

- 1) A person who is not of good character and reputation in the community in which he resides;
- 2) A person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;
- 3) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% (in the case of distributors) or 1% (in the case of out-of-State cigarette manufacturer permittees) of the stock of such corporation, would not be eligible to receive a license under this Act for any reason.

g) The first distributor who delivers cigarettes or causes them to be

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

delivered in this State to a purchaser must affix proper stamp or stamps to each original package of such cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to the purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) to imprint the required language on the original package of cigarettes beneath such outside wrapper, as provided in Section 440.20(b) of this Part.

b) On and after July 22, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Tax Act (35 ILCS 130), the Department shall revoke the license of any distributor that is determined to have violated this subsection (b). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner. [Section 3 of the Cigarette Tax Act]

i) On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (b) of this Section and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted in violation of the Cigarette Tax Act.

ii) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (b) of this Section and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Tax Act.

(Source: Amended at 23 Ill. Reg. 14748, effective _____, 06/04/99)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Cigarette Use Tax Act
- 2) **Code Citation:** 86 Ill. Adm. Code 450
- 3) **Section Numbers:** Adopted Action:
450.10 Amendment
- 4) **Statutory Authority:** 35 ILCS 135
- 5) **Effective Date of Amendments:** December 8, 1999
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Does this amendment contain incorporations by reference?** No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) **Notice of Proposal Published in Illinois Register:** August 13, 1999, 23 Ill. Reg. 8960
- 10) **Has JCAR issued a Statement of Objection to these amendments?** No
- 11) **Differences between proposal and final version:** The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes
- 13) **Will this amendment replace an emergency amendment currently in effect?** Yes
- 14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** P.A. 91-0246 was signed into law and became effective July 22, 1999. That legislation requires that no revenue tax stamps or imprints may be affixed to a cigarette package unless the package complies with the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following. It also provides that no revenue tax stamps may be affixed to a package of cigarettes, cigarette papers, wrappers, or tubes if that package has been marked for export outside the United States with a label or notice in compliance with Title 27, Section 290.185 of the Code of Federal Regulations. Violators of the provisions shall have their distributor license revoked under the authority of Section 6 of the Cigarette Use Tax Act. The Department interprets the statute to allow distributors and retailers to turn over their inventories of pre-stamped

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

cigarettes without violating the law. Based upon normal inventory turn over times provided by the Illinois Tobacco and Candy Distributors Association, the Department is creating, by rule, a rebuttable presumption that after August 15, 1999, all improperly stamped cigarettes in the possession of a distributor were stamped in violation of the Act, and, after September 1, 1999, all improperly stamped cigarettes found in the possession of a retailer were stamped, by the distributor from whom obtained, in violation of the law.

- 16) **Information and questions regarding this adopted amendment shall be directed to:**

Martha Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUEPART 450
CIGARETTE USE TAX ACT

Section	Nature and Rate of Tax
450.10	Tax Stamps--Affixed Out of State
450.20	Licenses and Permits--Bonds
450.30	Reports and Returns
450.40	Books and Records
450.50	Unused Stamps
450.60	Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies For Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13839; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 124, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. **14759**, effective **08/08/99**.

Section 450.10 Nature and Rate of Tax

- The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 15 mills per cigarette so used.
- The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect such tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).
- Distributors who are not subject to the Cigarette Tax Act [35 ILCS 130] (~~4111-Rev-Stat-1989-428-par-453-1-et-seq-1~~ (the Act)), but who are subject to the Cigarette Use Tax Act [35 ILCS 135] (~~4111-Rev-~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~Stat-1989-428-par-453-31-et-seq-1~~, must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath such outside wrapper.

- On and after July 27, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Use Tax Act [35 ILCS 135], the Department shall revoke the license of any distributor that is determined to have violated this subsection (c)(1). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner. (Section 3 of the Cigarette Use Tax Act)
- On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.
- On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.
- At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

be allowed a discount during any year commencing July 1 and ending the following June 30. The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.

e) This discount is to cover the distributor's cost of collecting the tax.

f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

g) On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes (i.e. a standard bank draft which the distributor may post-date), and which shall be payable within 30 days thereafter; provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 100% of such distributor's average monthly tax liability under the Act during the preceding calendar year or \$750,000.00, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft. Prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted above. (Section 3 of the Act) For additional information concerning the exemption, refer to Section 3 of the Act.

h) The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by such distributor under the Cigarette Use Tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

i) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.

j) Where cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of such original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Such tax should be remitted to the Department by the user within 3 days after he acquires such cigarettes.

(Source: Amended at 23 Ill. Reg. **14753**, effective _____, 01/01/89)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:
110.125 Amendment
- 4) Statutory Authority: 35 ILCS 200/1
- 5) Effective Date of Amendments: December 8, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 30, 1999, 23 Ill. Reg. 8639
- 10) Has JC&R issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JC&R. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
110.155	Amendment	8/20/99, 23 Ill. Reg. 9752

- 15) Summary and Purpose of Amendment: This rulemaking strikes subsection (a)(6). The Department no longer uses Form No. PT&X-255-CAP to capture statistical data on the Property Tax Extension Limitation Law. Consequently, this form is being eliminated from the list of reports submitted by county clerks on an annual basis to the Department.

- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Jerry Lanter
Counsel for Property Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 110

PROPERTY TAX CODE

Section
110.101 Railroads
110.105 Non-carrier Real Estate of Railroads
110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.115 Exemption Proceedings
110.120 Oil Right Lessees and Producers
110.125 Reports to be Filed with the Department
110.130 Hearings and Records of County Assessor, Supervisor of Assessments or Board of Assessors
110.135 Review of Assessments - Counties of 1,000,000 or More
110.140 Board of Review Procedures and Records - Counties of Less than 1,000,000
110.141 Farmland Factor Review Procedures (Repealed)
110.145 Practice and Procedure
110.150 Records Reproduction
110.155 Appointment of Board of Review Members After Examination
110.160 Multi-township Assessment Districts
110.162 Township and Multi-township Assessor Qualifications
110.165 Farmland Assessment Review Procedures
110.170 Assessors' Bonus
110.175 Equalization by Supervisor of Assessments
110.180 Supervisor of Assessments Examination
110.190 Property Tax Extension Limitation
110.192 Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 39b35 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b35].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 13613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14759, effective DEC 18 1999.

Section 110.125 Reports to be Filed with the Department

a) County Clerks shall transmit annually to the Department the following statements within 30 days after the date when the collector's books are completed:

- 1) Summary abstracts of valuations, levies, rates and extensions of taxes in their respective counties on Form No. PTAX-250.
- 2) Abstracts of valuation, levies, rates and extensions of taxes for tax districts in their respective counties on Form Nos. PTAX-251, PTAX-252, PTAX-253 and PTAX-254.
- 3) Abstract of aggregate tax increment equalized assessed valuation (current EAV less the initial EAV of the area), rates, extensions, initial equalized assessed valuation, tax increment financing extension that is based on parcel by parcel distribution and names of taxing districts in Tax Increment Allocation Financing Redevelopment Project Area, on Form No. PTAX-251-TIF.
- 4) Abstracts of abatements, number and types of parcels and taxing districts for general abatements of taxes on Form No. PTAX-255-TA.
- 5) Abstracts of valuations removed from rate calculation, rates, amounts of taxes abated, number and types of parcels and taxing districts for enterprise zones on Form No. PTAX-255-EZA.

6) Summary of equalized assessed valuations of new property, rate adjustment, factory rates and dollar loss--for--taxing--districts subject to the--Property--Tax Extension Limitation Law--43-11665 209/Act-18-Div-51-on-Pern-Reg-BWAX-255-EAR

6) Report of the names of new taxing districts in the county, the name of the home county for each new taxing district and the names of any overlapping counties for each new district on Form

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

No. PTAX-256.

- b) County clerks shall also transmit to the Department the following statements:

- 1) Abstracts of property assessments in their respective counties within 30 days after receipt of assessment books from a Board of Review or Board of Appeals on Form No. PTAX-260-A.
- 2) The creation of new and the dissolution of old taxing districts and all changes in boundaries of existing districts shall be reported within 30 days after any such creation, dissolution or change becoming effective on Form No. PTAX-270.
- 3) Report of original equalized assessed valuations and equalized assessed valuation changes for school districts due to Property Tax Appeal Board decisions on Form No. PTAX-610 by April 30.
- 4) Report of any alterations to the taxing districts that make up each aggregate rate within the county as identified on the aggregate listing on the Department's PPA 205-10 report.
- 5) In counties with 3,000,000 or more inhabitants, an annual list of the additional equalized assessed valuation loss to schools due to the increase in the amount of the Senior Citizens Homestead Exemption and the General Homestead Exemption as required by 105 ILCS 5/18-8 by April 1.
- 6) Within 30 days after receipt of a request by the Department, certification of the portion of prior year equalized assessed values of overlapping taxing districts in each township on Form No. PTAX-292.
- c) Boards of Review in counties of fewer than 3,000,000 inhabitants shall transmit annually to the Department reports of equalization of the various assessment districts and reclassification of property in their respective counties within 10 days after adjournment on Form Nos. PTAX-204 and 204-R.
- d) County Treasurers shall annually, during the month of December, transmit to the Department abstracts of taxes collected, protested, delinquent and the net collections available for distribution in their respective counties on Form No. PTAX-255.
- e) Chief County Assessment Officers shall transmit annually to the Department:
 - 1) Abstracts of local assessments of non-carrier real estate owned by a railroad company on Form No. PTAX-538.
 - 2) Abstracts of property assessments and reclassification of property prior to action by a Board of Review or Board of Appeals within 30 days after returning the county assessment books for the entire county to the Board of Review or Board of Appeals on Form Nos. PTAX-280-A and 280-R.
 - 3) In counties of fewer than 3,000,000 inhabitants, reports of equalization of assessments, within 10 days after he or she presents the verified assessment books to the Board of Review, on Form No. PTAX-204-S/A.
 - 4) Reports of non-farm parcels which have a final assessed value for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

the year exceeding \$999,999 on Form No. PTAX-282.

(Source: Amended at 23 Ill. Reg. 14750, effective DEC 03 1999.)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Real Estate Transfer Tax2) Code Citation: 86 Ill. Adm. Code 1203) Section Numbers:
120.5
Emergency Action:
New Section4) Statutory Authority: 35 ILCS 200/Art. 31 (see Public Act 91-555).5) Effective Date of Emergency Amendment: December 9, 19996) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A7) Date filed with the Index Department: December 9, 19998) A statement that a copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the Emergency Amendment is on file and available for public inspection at the Illinois Department of Revenue, Willard Ice Building, 101 West Jefferson, Springfield IL 62794.9) Reason for Emergency: Transfer declarations are used by the Department of Revenue in assessment/sales ratio studies to produce a multiplier for equalizing assessments between all counties in Illinois. Public Act 91-555 (effective January 1, 2000) makes changes in the content of transfer declarations and authorizes the use of electronically-produced transfer declarations. In response to Public Act 91-555, the Department of Revenue created a new set of forms to conform to new statutory and departmental requirements for information on transfer declarations. This rulemaking informs taxpayers, tax practitioners who prepare transfer declarations, and public officials with enforcement responsibilities of the proper form to use in a particular timeframe and of the proper documentation to submit at the time a deed or trust document is presented for recordation or registration.10) A complete Description of the Subjects and Issues Involved:Subsection (a):

This provision explains the reporting requirements under the Real Estate Transfer Tax Law [35 ILCS 200/Art. 31]. Although most transactions are subject to both the transfer tax and its reporting requirements [35 ILCS 200/31-10 and 31-25], certain transactions are exempt from the transfer tax but subject to its filing requirements [35 ILCS 200/31-45(b) (for all transfers except those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (k), or (m)], and still other transactions are exempt from both the

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

transfer tax and its filing requirements [35 ILCS 200/31-45(a), (b) (but only for transfers in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (c), (d), (e), (f), (g), (h), (i), (j), or (l)].

Subsection (b):

This provision describes the procedures for preparing transfer declarations and supplemental information as well as the enforcement responsibilities of the recorder of deeds and registrar of titles. All required documentation must be fully completed and submitted at the time a deed or trust document is presented for recordation or registration. If these requirements have not been satisfied, then the recorder or registrar must not record or register the deed or trust document.

This provision informs taxpayers and tax practitioners who handle real estate closings of the proper documentation to submit at the time a deed or trust document is presented for recordation or registration. Transactions subject to the State transfer tax must be reported on a transfer declaration form approved by the Department. The version currently in use is Form No. PPA-X-203, Real Estate Transfer Declaration, also called a "green sheet". Beginning January 1, 2000, the version that will come into use is Form No. PPA-X-203, Illinois Real Estate Transfer Declaration. While the form numbers remain the same, the content and title of the forms are different. Also, additional supplemental information will need to be reported at that time for transactions involving certain categories of commercial or industrial property for which the full actual consideration is over \$1 million. The form approved by the Department for this purpose is Form No. PPA-X-203-A, Illinois Real Estate Transfer Tax Declaration Supplemental Form A.

This provision addresses automation issues. The Department is adding an automated version of the transfer declaration forms to its Web site for taxpayers and tax practitioners to complete and print for presentation to the recorder of deeds or registrar of titles. The Department is also preparing content, edit, form, and reproduction specifications and output testing requirements in order to approve any computer software that is developed by others to electronically produce the transfer declaration. At this point, taxpayers must still file paper transfer declaration forms.

Subsection (c):

This provision advises taxpayers, tax practitioners, computer software vendors, and public officials of the authority of the Department to revise its forms, specifications, and output testing requirements for both the paper and electronically-produced versions of the transfer declaration forms. Forms may be revised with greater frequency in the future as the Department takes steps toward full automation.

DEPARTMENT OF REVENUE
NOTICE OF EMERGENCY AMENDMENTS

Subsection (d):

This provision covers the electronic transmission of assessment information by chief county assessment officers in counties that have entered into a written agreement with the Department.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Jerry Lanter
Counsel - Property Tax
Legal Services Office 5-500
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE
PART 120
REAL ESTATE TRANSFER TAX

Section
120.5 Transfer Declaration and Supplemental Information
EMERGENCY
120.10 Procedure
120.20 Interpretations

AUTHORITY: Implementing and authorized by the Real Estate Transfer Tax Act [35 ILCS 305/3].

SOURCE: Filed and effective August 26, 1971; codified at 8 Ill. Reg. 11465; amended at 9 Ill. Reg. 7938, effective May 14, 1985; amended at 18 Ill. Reg. 12849, effective August 9, 1994; amended by emergency rulemaking at 23 Ill. Reg. 14765, effective December 9, 1999, for a maximum of 150 days.

Section 120.5 Transfer Declaration and Supplemental Information

EMERGENCY

a) At the time a deed or trust document is presented for recordation or registration, a transfer declaration and supplemental information, if applicable, shall be prepared as required by the Department in a manner consistent with the requirements of subsection (b) below and submitted to the recorder of deeds or registrar of titles of the county in which the property is situated under Section 31-25 of the Property Tax Code [35 ILCS 200/31-25]. No transfer declaration or supplemental information is required to be prepared and submitted to the recorder of deeds or registrar of titles if the transfer qualifies for an exemption under subsection (a), (b) (but only for transfers in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (c), (d), (e), (f), (g), (h), (i), (j), or (l) of Section 31-45 of the Property Tax Code [35 ILCS 200/31-45(a)-(l)], or (l)], but a notation of exempt status must appear on the face of the deed or trust document. If the transfer qualifies for an exemption under subsection (b) (for all transfers except those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding), (k), or (m) of Section 31-45 of the Property Tax Code [35 ILCS 200/31-45(b), (k), or (m)], a transfer declaration and supplemental information, if applicable, shall be prepared and submitted to the recorder of deeds or registrar of titles.

b) A transfer declaration and supplemental information shall be prepared using paper versions of forms or electronically-produced paper

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

versions thereof approved by the Department as follows:

1) Preparation Procedures:

A) Paper versions of forms shall be available at the office of the recorder of deeds or registrar of titles in every county. These forms shall be supplied by the Department to the recorder of deeds and registrar of titles.

B) All applicable questions on the forms shall be answered completely, and the forms shall be signed by the buyer and seller, or their agents, and the preparer.

C) If a transfer declaration and all supplemental information, if applicable, is not prepared and submitted, or is prepared and submitted without all applicable questions being answered completely and the transfer declaration being properly signed, the recorder of deeds or registrar of titles shall not record or register the deed or trust document.

2) Transfer declarations:

A) For transfers prior to January 1, 2000, if a transfer declaration was prepared prior to January 1, 2000, Form No. PTAX-203, Real Estate Transfer Declaration (a four-page document with a green first page and with a (R-4/94) designation in the lower left corner of the first page), or the appropriate predecessor version in effect at the time of transfer, shall be prepared and submitted.

B) For transfers prior to January 1, 2000, if a transfer declaration was not prepared prior to January 1, 2000 (Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-8/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted.

C) For transfers on and after January 1, 2000, Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-8/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted.

D) If multiple deeds or trust documents are used to transfer real estate or beneficial interests in real property, a transfer declaration shall be prepared and submitted for each deed or trust document reflecting the interest being transferred by each deed or trust document.

E) If the real estate being transferred is located in more than one county, separate transfer declarations shall be prepared and submitted in each county. Each transfer declaration shall list the prorated full actual consideration for that portion of the real estate being transferred in the county. The proration is to be made in such a manner so that the

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

total of the prorated full actual consideration listed on each transfer declaration equals the full actual consideration for all real estate being transferred.

F) For purposes of this Section, "transfer" means execution of the deed or trust document.

3) Supplemental information:

A) For transfers prior to January 1, 2000, if a transfer declaration was prepared prior to January 1, 2000, "supplemental information" includes, if applicable, an extended legal description accompanying Form No. PTAX-203, Real Estate Transfer Declaration (a four-page document with a green first page and with a (R-4/94) designation in the lower left corner of the first page), or the appropriate predecessor version in effect at the time of transfer.

B) For transfers on and after January 1, 2000, and transfers prior to January 1, 2000 if a transfer declaration was not prepared prior to January 1, 2000, "supplemental information" includes, if applicable, an extended legal description, an itemized list of personal property, a finance schedule for sales occurring during a period in which the Department is required to adjust sales prices for seller paid points and prevailing cost of cash under Section 17-10 of the Property Tax Code, and Form No. PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A. Supplemental information shall accompany Form No. PTAX-203, Illinois Real Estate Transfer Declaration (a white two-page document with a (R-8/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer.

C) For transfers on and after January 1, 2000, Form No. PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A (a white one-page document with a (R-9/99) designation in the lower left corner of the first page), or the appropriate succeeding version in effect at the time of transfer, shall be prepared and submitted if the transfer involves non-residential property for which the full actual consideration is over \$1 million. In this context only, non-residential property includes all property except: vacant land or lots, residences and apartment buildings of 6 units or less (e.g., single family condominium, townhome, or duplex), mobile home residences, and farmland.

4) Electronically-produced forms:

A) For transfers on and after January 1, 2000, electronically-produced versions of forms may be prepared on the internet Web site of the Department and printed on the preparer's printer. Forms submitted to the recorder of deeds or registrar of titles using this technology must conform to the content, edit, format, and reproduction

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

Specifications of the Department.

- B) For transfers on and after January 1, 2000, electronically-produced versions of forms may be prepared from other software programs for which the Department has tested and approved the output and printed on the preparer's printer. Forms submitted to the recorder of deeds or registrar of titles using this technology for which the Department has tested and approved the output must conform to the content, edit, format, and reproduction specifications of the Department. Electronically-produced versions of forms shall not be submitted to the recorder of deeds or registrar of titles if, without prior written approval of the Department, the software programs used to produce the forms have been revised in any manner since the time the Department tested and approved the output.
- C) Forms for the transfer declaration and supplemental information, as well as specifications and output testing requirements for electronically-produced versions thereof, may be revised by the Department in its discretion.
- d) The Department may enter into a written agreement with the governing authority of a county to authorize the chief county assessment officer to electronically transmit data from the transfer declarations and supplemental information, if applicable, to the Department as required by Sections 31-30 and 31-70 of the Property Tax Code [35 ILCS 200/31-30 and 31-70]. The chief county assessment officer shall continue to submit the paper versions of the transfer declarations and any supplemental information until such time as the Department determines in its discretion that submission in this manner is no longer necessary.

(Source: Added by emergency rulemaking at 23 Ill. Reg. **14765**, effective December 9, 1999, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period August 1, 1999 through October 31, 1999.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5331, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; and 23 Ill. Reg. 11774, September 24, 1999.

Chemical: Acenaphthene

Acute criterion: 124 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

CAS #83-32-9

Chronic criterion: 9.9 ug/l

CAS #67-64-1

Chronic criterion: 122 mg/l

Chemical: Acetone

Acute criterion: 1,530 mg/l

Date criteria derived: May 25, 1993

Applicable waterbodies:

Not used during this period.

CAS #75-05-8

Chronic criterion: 30 mg/l

Chemical: Acetonitrile

Acute criterion: 375 mg/l

Date criteria derived: December 7, 1993

Applicable waterbodies:

Not used during this period.

CAS #107-13-4

Chronic criterion: 73 ug/l

Chemical: Acrylonitrile

Acute criterion: 910 ug/l

Human health criterion (HNC): 0.21 ug/l

Date criteria derived: November 13, 1991

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Anthracene CAS #120-12-7

Human health criterion (HHC): 35 mg/l

Date criteria derived: August 18, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzene CAS #71-43-2

Human health criterion (HHC): 1,300 ug/l Chronic criterion: 110 ug/l

Date criteria derived: August 15, 1990, revised January 14, 1999

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene CAS #56-55-3

Human health criterion (HHC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene CAS #50-32-8

Human health criterion (HHC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(b)fluoranthene CAS # 205-99-2

Human health criterion (HHC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(k)fluoranthene CAS #207-08-9

Human health criterion (HHC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Carbon tetrachloride CAS #56-23-5

Human health criterion (HHC): 1.4 ug/l

Date criteria derived: June 18, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Chlorobenzene CAS #108-90-7

Human health criterion (HHC): 993 ug/l

Date criteria derived: December 11, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Chloroform CAS #67-66-3

Human health criterion (HHC): 130 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Chrysene CAS #218-01-9

Human health criterion (HHC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichlorobenzene CAS #95-50-1

Human health criterion (HHC): 210 ug/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichlorobenzene CAS #541-73-1

Human health criterion (HHC): 500 ug/l

Date criteria derived: July 31, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloroethane CAS #107-06-2

Human health criterion (HHC): 196 ug/l

Applicable waterbodies:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 24,900 ug/l
 Human health criterion (HNC): 23 ug/l
 Date criteria derived: March 19, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 1,1-dichloroethene
 Acute criterion: 3,030 ug/l
 Human health criterion (HNC): 0.95 ug/l
 Date criteria derived: March 20, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dichlorophenol
 Acute criterion: 631 ug/l
 Date criteria derived: November 14, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloropropane
 Acute criterion: 4,800 ug/l
 Date criteria derived: December 7, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichloropropylene
 Acute criterion: 99 ug/l
 Date criteria derived: November 13, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dimethyl phenol
 Acute criterion: 740 ug/l
 Date criteria derived: October 26, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol
 Acute criterion: 28.8 ug/l
 Chronic criterion: 2.3 ug/l

Chronic criterion: 4,540 ug/l

CAS #75-35-4
 Chronic criterion: 242 ug/l

CAS #120-83-2
 Chronic criterion: 83.1 ug/l

CAS #78-87-5
 Chronic criterion: 380 ug/l

CAS #542-75-6
 Chronic criterion: 7.9 ug/l

CAS #105-67-9
 Chronic criterion: 220 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: November 14, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol
 Acute criterion: 85.3 ug/l
 Date criteria derived: December 1, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: 2,6-dinitrotoluene
 Acute criterion: 1,910 ug/l
 Date criteria derived: February 14, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Diquat
 Acute criterion: 1,330 ug/l
 Date criteria derived: January 30, 1996
 Applicable waterbodies:

Not used during this period.

Chemical: Ethylbenzene
 Acute criterion: 220 ug/l
 Date criteria derived: August 15, 1990, revised May 17, 1991
 Applicable waterbodies:

07140202-0020/off Kaskaskia River

Chemical: Fluoranthene
 Human health criterion (HTC): 120 ug/l
 Date criteria derived: August 10, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobenzene
 Human health criterion (HNC): 0.00025 ug/l
 Date criteria derived: November 15, 1991
 Applicable waterbodies:

Not used during this period.

CAS #51-28-5
 Chronic criterion: 4.07 ug/l

CAS #606-20-2
 Chronic criterion: 153 ug/l

CAS #85-00-7
 Chronic criterion: 106 ug/l

CAS #100-41-4
 Chronic criterion: 17 ug/l

CAS #206-44-0

CAS #118-74-1

CAS #534-52-1

Chronic criterion: 2.3 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachlorobutadiene
 Acute criterion: 34.5 ug/l
 Date criteria derived: March 23, 1992
 Applicable waterbodies:

CAS #87-68-3

Chronic criterion: 2.76 ug/l

Not used during this period.

Chemical: Hexachloroethane
 Acute criterion: 381 ug/l
 Human health criterion (HNC): 2.9 ug/l
 Date criteria derived: November 15, 1991
 Applicable waterbodies:

CAS #67-72-1

Chronic criterion: 30.5 ug/l

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol
 Acute criterion: 434 mg/l
 Date criteria derived: December 1, 1993
 Applicable waterbodies:

CAS #78-83-1

Chronic criterion: 34.8 mg/l

Not used during this period.

Chemical: Methylene chloride
 Acute criterion: 17,200 ug/l
 Human health criterion (HNC): 340 ug/l
 Date criteria derived: January 21, 1992
 Applicable waterbodies:

CAS #75-09-2

Chronic criterion: 1,380 ug/l

Not used during this period.

Chemical: Methyl ethyl ketone
 Acute criterion: 322,000 ug/l
 Date criteria derived: July 1, 1992
 Applicable waterbodies:

CAS #78-93-3

Chronic criterion: 26,000 ug/l

Not used during this period.

Chemical: 4-methyl-2-pentanone
 Acute criterion: 46 mg/l
 Date criteria derived: January 13, 1992
 Applicable waterbodies:

CAS #108-10-1

Chronic criterion: 3.68 mg/l

Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 2-methyl phenol
 Acute criterion: 4.7 mg/l
 Date criteria derived: November 8, 1993
 Applicable waterbodies:

CAS #95-48-7

Chronic criterion: 0.37 mg/l

Not used during this period.

Chemical: 4-methyl phenol
 Acute criterion: 670 mg/l
 Date criteria derived: January 13, 1992
 Applicable waterbodies:

CAS #106-44-5

Chronic criterion: 120 mg/l

Not used during this period.

Chemical: Naphthalene
 Acute criterion: 670 ug/l
 Date criteria derived: November 7, 1991
 Applicable waterbodies:

CAS #91-20-3

Chronic criterion: 68 ug/l

Not used during this period.

Chemical: 4-nitroaniline
 Acute criterion: 1.5 mg/l
 Date criteria derived: May 5, 1996
 Applicable waterbodies:

CAS #100-01-6

Chronic criterion: 0.12 mg/l

Not used during this period.

Chemical: Nitrobenzene
 Acute criterion: 15.4 mg/l
 Human health criterion (HPC): 0.52 mg/l
 Date criteria derived: February 14, 1992
 Applicable waterbodies:

CAS #98-95-3

Chronic criterion: 4.67 mg/l

Not used during this period.

Chemical: Pentachlorophenol
 Acute criterion: 20 ug/l
 Date criteria derived: national criterion, September 1986
 Applicable waterbodies:

Chronic criterion: 13 ug/l

Not used during this period.

Chemical: Phenanthrene
 Acute criterion: 46 ug/l
 Date criteria derived: October 26, 1992

CAS #95-01-8

Chronic criterion: 3.7 ug/l

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Pyrene

Human health criterion (HHC): 3,500 ug/l

Date criteria derived: December 22, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrachloroethylene

Acute criterion: 1,220 ug/l

Date criteria derived: March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrahydrofuran

Acute criterion: 216,000 ug/l

Date criteria derived: March 16, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Toluene

Acute criterion: 1,300 ug/l

Date criteria derived: August 16, 1990, revised May 17, 1991, January 26, 1993 and January 14, 1999

Applicable waterbodies:

07140202-0020/off Kaskaskia River

Chemical: 1,2,4-trichlorobenzene

Acute criterion: 353 ug/l

Date criteria derived: December 14, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,1,1-trichloroethane

Acute criterion: 4,910 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

CAS #120-00-0

CAS #127-18-4

Chronic criterion: 152 ug/l

CAS #109-99-9

Chronic criterion: 17,300 ug/l

CAS #108-88-3

Chronic criterion: 110 ug/l

CAS #120-82-1

Chronic criterion: 69.2 ug/l

CAS #71-55-6

Chronic criterion: 393 ug/l

Chemical: 1,1,2-trichloroethane

Acute criterion: 19,000 ug/l

Human health criterion (HHC): 12 ug/l

Date criteria derived: December 13, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Trichloroethylene

Acute criterion: 11,700 ug/l

Date criteria derived: October 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Xylenes

Acute criterion: 1,500 ug/l

Date criteria derived: August 23, 1990, revised January 14, 1999

Applicable waterbodies:

07140202-0020/off Kaskaskia River

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Pyrene

Human health criterion (HHC): 3,500 ug/l

Date criteria derived: December 22, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrachloroethylene

Acute criterion: 1,220 ug/l

Date criteria derived: March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrahydrofuran

Acute criterion: 216,000 ug/l

Date criteria derived: March 16, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Toluene

Acute criterion: 1,300 ug/l

Date criteria derived: August 16, 1990, revised May 17, 1991, January 26, 1993 and January 14, 1999

Applicable waterbodies:

07140202-0020/off Kaskaskia River

Chemical: 1,2,4-trichlorobenzene

Acute criterion: 353 ug/l

Date criteria derived: December 14, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,1,1-trichloroethane

Acute criterion: 4,910 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Operating Procedures for the Administration of Non-Federal Grant Funds, 20 Ill. Adm. 1560

1) Rulemaking:

- A) Description: The Authority plans to propose rulemaking necessary for the administration and implementation of the Sexual Assault Nurse Examiner (SANE) pilot program. Subject to an appropriation of general revenue funds from the Illinois General Assembly, the Authority will implement the SANE pilot program, including SANE pilot projects in hospital emergency rooms geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.

- B) Statutory Authority: P.A. 91-0529 (20 ILCS 3930/7.1).

- C) Schedule meeting/hearing dates: No meetings or hearings have yet been scheduled.

- D) Date agency anticipates First Notice: The Authority anticipates that it will submit a notice of proposed rulemaking during the next 6 months of this year.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: The rulemaking may affect hospitals in that they may be recipients of SANE funds for the development of SANE pilot projects in hospital emergency rooms geographically distributed throughout the state.

- F) Agency contact person for information:

Name: Kristi J. Kangas, Legal Advisor
Address: 120 S. Riverside Plaza, Ste. 1016, Chicago, IL 60606
Telephone: 312-793-8550

- G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

JANUARY 2000 REGULATORY AGENDA

- a) Heading of the Part: Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

- A) Description: Part 1 will be amended to reflect several statutory changes enacted during 1999. Two of these have to do with the availability of waivers and modifications of mandates found in the School Code and the State Board's rules; another requires rules for the use of time out and physical restraint and for recordkeeping regarding such use.

- B) Statutory Authority: 105 ILCS 5/2-3.25g; 105 ILCS 5/2-3.126.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: June 2, 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
Springfield, Illinois 62777
(217) 782-3950

- G) Related rulemakings and other pertinent information: None

- b) Heading of the Part: Certification; 23 Ill. Adm. Code 25

1) Rulemaking:

- A) Description: Numerous amendments will be made to Part 25 in response to P.A. 91-102, as well as P.A. 91-370 and P.A. 91-609. A significant portion of the material will describe the new system of requirements for continuing professional development for teachers.

- B) Statutory Authority: 105 ILCS 5/2-3.6 and Art. 21

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: March 3, 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

STATE BOARD OF EDUCATION

JANUARY 2000 REGULATORY AGENDA

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

G) Related rulemakings and other pertinent information: NoneJOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 30, 1999, through December 6, 1999 and have been scheduled for review by the Committee at its December 14, 1999 meeting in Chicago or January 12, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/13/00	Property Tax Appeal Board, Practice and Procedure for Hearings Before the Property Tax Appeal Board (86 Ill Adm Code 1910)	10/15/99 23 Ill Reg 12547	12/14/99
1/13/00	Department of Human Services, Program Description (89 Ill Adm Code 676)	10/8/99 23 Ill Reg 12058	12/14/99
1/13/00	State Board of Education, School Construction Program (23 Ill Adm Code 151)	9/10/99 23 Ill Reg 10916	12/14/99
1/14/00	Department of Transportation, Repeal of Port District Development Program (44 Ill Adm Code 740)	10/15/99 23 Ill Reg 12589	12/14/99
1/14/00	Department of Transportation, Repeal of Water Resources Contracts and Purchases (44 Ill Adm Code 695)	10/15/99 23 Ill Reg 12600	12/14/99
1/14/00	Department of Professional Regulation, Interior Design Profession Title Act (68 Ill Adm Code 1255)	10/8/99 23 Ill Reg 12295	12/14/99
1/14/00	Liquor Control Commission, The Illinois Liquor Control Commission (11 Ill Adm Code 100)	10/15/99 23 Ill Reg 12518	1/12/00
1/14/00	Liquor Control Commission, Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs (77 Ill Adm Code 3500)	10/15/99 23 Ill Reg 12514	1/12/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/14/00	Department of Natural Resources, Repeal of Illinois Salmon Stamp Contest Procedures (17 Ill Adm Code 2550)	10/15/99 23 Ill Reg 12530	1/12/00
1/14/00	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	7/30/99 23 Ill Reg 8586	1/12/00
1/19/00	Department of Central Management Services, Standard Procurement (44 Ill Adm Code 1)	9/24/99 23 Ill Reg 11762	1/12/00

PROPOSED

8-900-51	89-113-45	80-1600-46
17-780-50	89-114-48	83-451-47
17-810-50	89-121-44, 45,	86-110-52
17-830-52	48	86-440-52
17-2080-50	89-336-44	86-450-52
17-2920-43	89-356-46	89-112-47
17-3050-49	89-361-43	89-113-47
23-25-50	89-434-51	89-114-47
23-161-45	89-515-44	89-140-46, 51
23-220-50	89-679-45	89-46-46
23-451-49	89-686-45	89-148-46
23-1002-44	92-1457-46	89-153-46
23-1501-	ADOPTED	89-160-51
46-47	2-1126-52	89-300-46
26-100-43	2-1350-49	89-301-43
26-125-43	89-510-44	89-510-44
35-310-48	11-100-46	89-530-52
35-680-46	11-300-47	89-553-44
38-315-50	11-404R-51	89-562-43
44-500R-43	11-1305-47	89-676-47
44-500-43	11-1424-47	89-682-51
44-1200R-46	20-117-46	89-1200-51
50-4404-50	23-375-47	92-1030-47
56-260-47	23-452-46	EMERGENCY
59-15-47	23-1050-43	23-1002-44
59-299-48	32-310-51	59-299-48
62-1800-45	32-320-51	68-1440-45
62-1847-45	32-360-51	86-120-52
68-1253-45	32-400-51	89-121-44
68-1320-45	32-410-51	PEREMPT-
68-1375-45	32-505-43	ORY
68-1440-45	35-611-52	80-310-43
74-440-43	38-190-48	
77-220-47	44-760R-51	
77-515-50	44-2000-47	
77-525-47	44-4200R-52	
77-110-43	50-1407-52	
77-110-43	50-1408-50	
77-110-43	50-2008-52	
77-110-43	50-2501R-52	
77-110-43	56-299-48	
77-110-43	56-2770-50	
77-110-43	68-1330-49	
77-1200R-43	77-250-47	
80-310-45	77-280-44	
86-105-48	77-290-47	
86-106-44	80-303-47	
86-120-52	86-750-46	
86-750-46	80-310-43, 46,	
86-770-49	48	

Rules acted upon during the calendar quarter from Issue 43 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jralaie@ccgate.sos.state.il.us (Internet address).

Visit our website

<http://www.sos.sos.state.il.us>



Illinois Register Illinois Administrative Code Order Form

<input type="checkbox"/>	Subscription to the Illinois Register (52 issues) New <input type="checkbox"/> Renewal <input type="checkbox"/>	\$290 annually
<input type="checkbox"/>	Subscription to the Administrative Code on CD-ROM (4 updates) New <input type="checkbox"/> Renewal <input type="checkbox"/>	\$290 annually
<input type="checkbox"/>	Microfiche sets of Illinois Register 1977 through 1996 Specify Year(s) _____	\$ 200 per set
<input type="checkbox"/>	Back Issue of the Illinois Register (Current Year Only) Volume# _____ Issue# _____ Date: _____	\$ 10 each
<input type="checkbox"/>	Cumulative/Sections Affected Indices 1990-1998 Specify Year(s) _____	\$ 5 each
<input type="checkbox"/>	Cumulative Indices to Illinois Register 1981-1989 Specify Year(s) _____	\$ 1 each
<input type="checkbox"/>	Sections Affected Indices to Illinois Register 1984-1989 Specify Year(s) _____	\$ 1 each

PREPAYMENT IS REQUIRED

Make Checks payable to: **Secretary of State** Send Payment to: Index Department
111 E. Monroe
Springfield, IL 62756

Fax order to: 217-524-0930

TOTAL AMOUNT OF ORDER

\$

☐ Check ☐ VISA ☐ Master Card ☐ Discover, Card #: _____
(There is a \$1.50 processing fee for credit card purchases.)

Expiration Date: _____ Signature: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Phone: _____ Fax: _____ Email: _____

HECKMAN

B I N D E R Y , I N C .

Bound-To-Please®

2000

N. MANCHESTER, INDIANA 46962

